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JUSTICE

Vol.32 **ACTUALITÉS - REPORT** No.3

CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

CCJA INTERVIEW WITH ROBB NASH HARNESSING THE POWER BE THE CHANGE INNOVATIVE INTERVENTIONS

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L'ACTUALITÉS-JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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ISSN: 0823-9436

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In this issue of the *Justice Report* we report on storytelling, peer pressure, new approaches, evidence-based research, relationships, police training, education, neuroscience, criminal behaviour, oppressive social systems, and wrongful convictions. Our contributors, from across Canada and one from the USA, are university students, academics and practitioners. Their topics lend an understanding of the breadth and depth of criminal justice issues, and they share a certain optimism. Read on!

Storytelling; we are hardwired to tell our stories. I first came across this notion from author Dr. Brené Brown (PhD). As Indigenous peoples tell us, it is important to take the time to listen to oral history-because it makes sense. In this issue's CCJA Interview, Robb Nash discusses *storytelling* as a way "to inspire hope and to encourage positive life choices".

Understanding and responding to crime doesn't belong exclusively to justice professionals and academics.The global youth justice movement, which harnesses the power of positive peer pressure, was begun in the U.S.A. almost 25-years ago by social-entrepreneur, Scott Bernard Peterson. John Winterdyk (Mount Royal University, Calgary, Alberta) and Peterson here investigate how youth accountability, rehabilitation and Extrajudicial Measures (outside the court) can come together. Yet, there is no such formalized program in Canada! Winterdyk and Peterson take a ground-breaking look at how such (youth) diversion programs readily align with the Extrajudicial Measures set forth in Canada's Youth Criminal Justice Act (2013).

EDITORIAL

HIRSCH GREENBERG
CCJA President

How are victims being impacted by the the Canadian Victim Bill of Rights (CBVR)? It is to be evaluated in 2020, and reactions at the halfway mark have been lukewarm says Arlène Gaudreault, long-time President of the Association Québécoise Plaidoyer-Victimes. Arlène reflects on the implementation of the CVBR, noting gaps in training and a need for jurisdictions and agencies to clearly lay out their obligations towards victims.

Is *evidence-based practice* all that it claims to be? Can there be more than a one-way approach? Critics of evidence-based practices question it as overly proscriptive, removing discretion from professional decision-making and making our relationship with others less humane. In the face of overwhelming caseloads, Stephen Howell (Camosun College, Victoria, BC) explores differences in 'evidence-based practice' in community corrections across the country. What are the strengths and weaknesses of the different evidence-based, practice approaches? Read Howell's article to find out.

Perception versus Reality. (This sounds like my Philosophy 100 course!) - To change reality, do we first change perceptions? Reverend Leon Remus contributes a challenge to this issue of the *Justice Report*: if we each take the time to build relationships one at a time and see past the stereotypes, we can change how the system works. This article offers an orientation of the spirit.

Terry Kostiw shares his rich experience as a parole and probation officer, and professor of criminology, criminal justice and corrections (Sheridan College, Ontario) by offering perspectives from federal offenders on the importance of formal education and on programs inside the walls. Explore with Terry, in *Barriers to Education*, a world where a majority of federal offenders lack appropriate formal education when entering and exiting the system.

Can improvements to occupational health and safety, mandatory training, personal protective equipment and reliable forms of communication improve peace officer safety? Dawn Rault and Melanie Rock (Canadian Institutes of Health Researchers funding recipients) review the death of a peace officer in Alberta to find out. Is there an ultimate shield to protect peace officers? Rault and Rock investigate.

While in graduate school I came across an article published in the late 1980s by the National Institute of Mental Health in the USA. The author reminisced how we would not come to understand the mind-brain knot for another 200 years. I do not recall the author's name, but the question of will we ever understand the mind, let alone control it via the brain, enough to relieve trauma is exciting. It is also controversial, raising ethical questions vis-a-vis *One Flew Over the Cuckoo's Nest* or *a Clockwork Orange*. Jon Friel (R.Psych, Alberta) is on the leading edge of such investigations in *The Second Brain: Understanding Behaviour-Criminality Nexus*.

Inter-professional collaboration, working together to improve the quality of our human services, is illustrated by the innovations at Williams lake, BC. Sarah Jackman, Executive Director of Punky Lake Wilderness Camp and Society (PLWCS), recounts a creative response to socio-historic and economic conditions that fertilize criminal lifestyles by youth. Community and professionals come together to benefit the Cariboo Chicoltin (Williams Lake) region of British Columbia, allowing a glimpse into what's possible!

Cheyenne Esmond (University of Regina) suggests that wrongful convictions are more than an accumulation of justice system errors. She probes the role of race and ethnicity, the police, juries, the judiciary and the crown as critical influences in her article, *Wrongful Convictions in Canada: A Focus on Aboriginal Offenders*.

The CCJA is pleased to present this collection of articles by authors, new and seasoned, highlighting important issues in criminal justice. ■

Dans ce numéro d'*Actualités-justice*, on traitera de récits, de la pression des pairs, de nouvelles approches, de recherche fondée sur des faits, de relations, de formation policière, d'éducation, de neuroscience, de comportement criminel, de systèmes sociaux opprimants et de condamnations injustifiées. Nos collaborateurs proviennent de partout au Canada – l'un d'entre eux des États-Unis – il s'agit en l'occurrence d'étudiants, d'universitaires et de praticiens. Les sujets qu'ils abordent nous aident à comprendre l'étendue et la profondeur des enjeux en justice pénale, les réponses à ces enjeux et l'optimisme qui se dégage des possibilités qui s'offrent.

Le *Récit*: il est inscrit dans les gènes de chacun de vouloir raconter son histoire. J'ai d'abord pris conscience de cette notion dans les écrits de Brené Brown, (Ph.D.). Comme nous le disent des peuples autochtones, l'importance des récits oraux a beaucoup de sens pourvu que l'on prenne le temps d'écouter. Dans ce numéro, Robb Nash se penche sur le récit comme moyen de susciter de l'espoir et de favoriser des choix de vie positifs.

Comprendre la criminalité et y réagir n'est pas l'apanage des professionnels du domaine de la justice et des universitaires. Le mouvement *Global Youth Justice: Harnessing the Power of Positive Peer Pressure* a pris naissance aux États-Unis, il y a quelque 25 ans, sous l'initiative de l'entrepreneur social, Scott Bernard Peterson. John Winterdyk (Mount Royal University, Calgary, Alberta). Toutefois, ce genre de programme n'existe pas au Canada! Winterdyk et Peterson jettent un regard révolutionnaire à la façon dont de tels programmes de déjudiciarisation (pour les jeunes) peuvent aisément s'aligner sur les mesures extrajudiciaires mises de l'avant dans la Loi canadienne sur le système de justice pénale pour les adolescents (2013).

Selon Arlène Gaudreault, présidente de l'Association Québécoise Plaidoyer-Victimes, la réussite de la mise en œuvre de la Charte canadienne des droits des victimes (CCDV) suppose que les intervenants soient mieux formés et que divers organismes et instances précisent leurs obligations à l'endroit des victimes. Malgré les efforts déployés, la CCDV est peu connue et a suscité peu de discussion. Arlène note aussi que la CCDV sera évaluée en 2020 et il faut s'y préparer et que le bilan à mi-chemin est plutôt mitigé.

La *pratique fondée sur des faits* est-elle tout ce qu'elle prétend être? Y a-t-il plus d'une façon de voir la criminalité? Les critiques des pratiques fondées sur des faits se demandent si celles-ci ne sont pas exagérément prescriptives, en éliminant le pouvoir discrétionnaire du processus professionnel de prise des décisions et en rendant nos relations aux autres moins humaines. En regard des charges de travail écrasantes, Stephen Howell (Camosun College, Victoria, Colombie-Britannique) se penche sur les différences entre les pratiques fondées sur des faits au pays. *Perceptions par opposition à la réalité.* (Cela me fait penser à mon cours de philosophie 101) Faut-il d'abord changer les perceptions pour changer la réalité? Le propos du rév. Leon Remus suggère que d'apprendre à connaître l'autre, que de prendre le temps d'établir des relations avec une personne à la fois contribuera éventuellement à changer le fonctionnement du système.

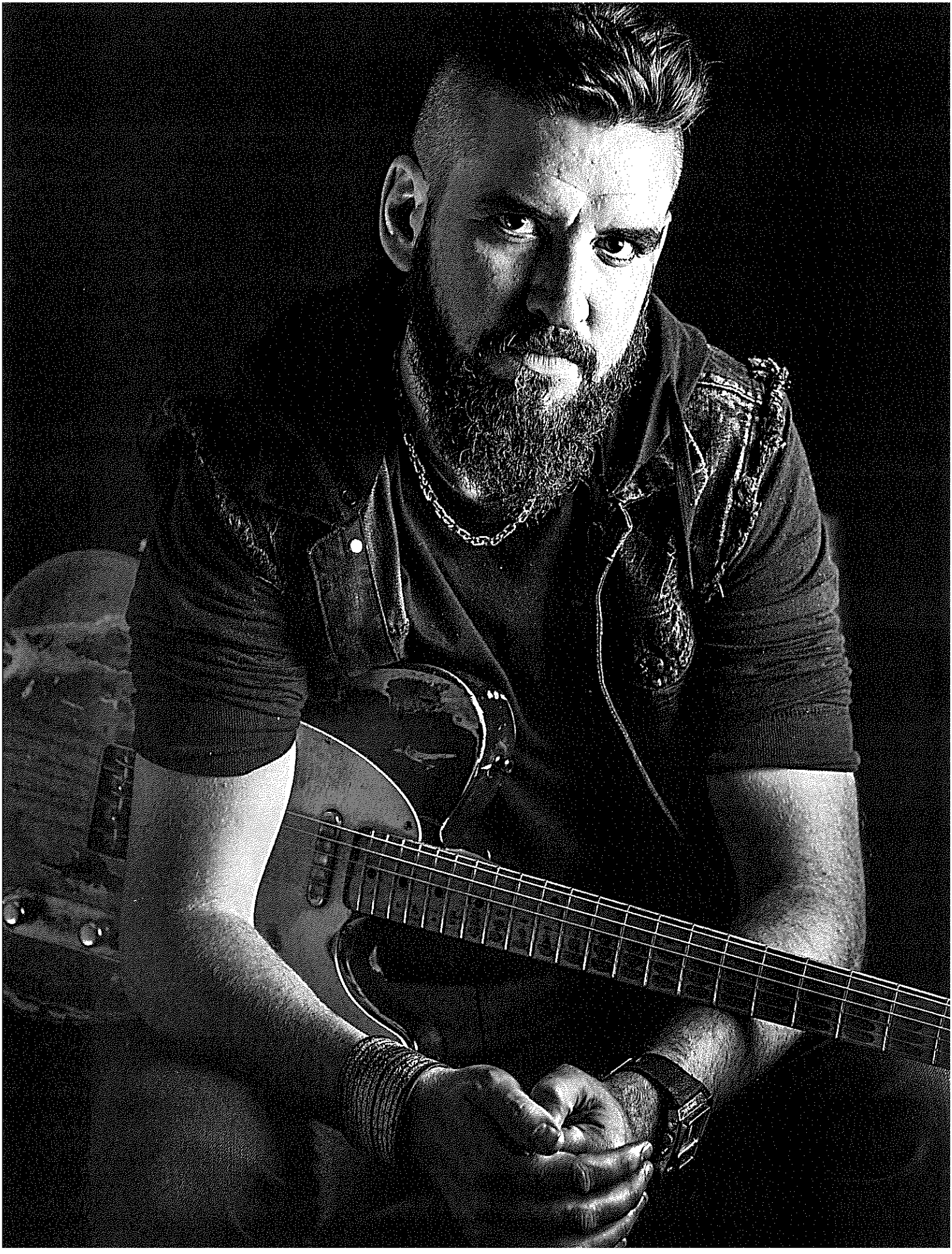
Terry Kostiw partage sa riche expérience comme agent de probation et de libération conditionnelle et comme professeur de criminologie, de justice pénale et de services correctionnels (Sheridan College, Ontario), offrant sur l'éducation la perspective d'un délinquant.

Des améliorations au chapitre de la santé et de la sécurité au travail, de la formation obligatoire, de l'équipement de protection personnelle et de moyens de communication fiables pourraient-elles contribuer à améliorer la sécurité des agents de la paix? Existe-t-il un bouclier ultime pour protéger les agents de la paix? Rault et Rock enquêtent.

Au cours de mes études supérieures, j'ai mis la main sur un article publié à la fin des années 1980 par le National Institute of Mental Health des États-Unis. Selon les réflexions de l'auteur, nous ne parviendrons pas à comprendre le lien entre l'esprit et le cerveau pour 200 ans encore. Je ne me souviens pas du nom de l'auteur, mais la question de savoir si nous pourrons un jour comprendre, voire contrôler, l'esprit en manipulant le cerveau, est stimulante. en ce qui a trait à atténuer les traumatismes liés aux troubles mentaux, mais soulève des enjeux sur le plan de l'éthique, tels que ceux présentés dans *Vol au-dessus d'un nid de coucou* ou de *L'orange mécanique.* Jon Friel (Alberta), *The Second Brain: Understanding Behaviour-Criminality Nexus*, est à l'avant-plan de la recherche dans ce domaine.

Les innovations mises en place à Williams Lake (Colombie-Britannique) sont une bonne illustration de la collaboration interprofessionnelle et de la collaboration comme moyens d'améliorer la qualité de nos services humains. Sarah Jackman, directrice générale, Punky Lake Wilderness Camp Society, fait état d'une réponse créative aux conditions sociohistoriques et économiques qui favorisent des modes de vie criminels chez les jeunes.

Cheyenne Esmond (University of Regina) avance que les condamnations injustifiées sont plus qu'une accumulation d'erreurs du système de justice. Elle se penche sur le rôle de la race et de l'ethnicité, de la police, des jurys, du système judiciaire et des procureurs de la Couronne en tant qu'influences critiques dans le cadre de son article. ■



CCJA INTERVIEW WITH ROBB NASH

Website: www.robbnash.com

The award-winning Robb Nash Project is an initiative that engages young people through the power of music and storytelling to inspire hope and encourage positive life choices. Robb and his band bring their presentation to more than 200 schools each year, and have reached over 1 million students to date through school shows and social media. He walks head on into difficult topics, knowing that these are the things on young people's minds; bullying, addiction, self harm and suicide. Robb exudes positive energy in story and song, and sensitively deals with the serious issues that he's experienced first hand. His relatable and approachable style creates credibility and trust with the students he meets. Their inevitable undivided attention allows Robb to plant a message of hope and inspiration in their minds and hearts. He challenges them to make changes in themselves and the world around them (www.robbnash.com).

CCJA: Could you talk to us about yourself... your path?

ROBB: I was the victim of a serious auto accident, a head-on collision with a semi truck. I was found with a fractured skull and pronounced dead by first responders. But by the time the ambulance had arrived at the scene to take my body to the hospital, my pulse had miraculously returned. After a difficult recovery, and despite significant physical and emotional scars, I was left with a new outlook on life. I started a band as a way to leverage the power of music to share my philosophy and soon had songs in the Canadian Top 10. I saw musical success as a platform from which to influence and motivate young people. I then put aside performing to large audiences and began speaking to youth in their schools across the country, playing songs and sharing their meaning with young audiences. Some say you have to hit rock bottom to learn life's most important lessons. I disagree. On this tour, we've seen so many young people experience breakthroughs when they hear the tragic and inspiring stories of others. We help people discover their gifts, rather than focus on their failings. We help them to learn not just to survive, but to lead a life of significance. I don't want others to have to go through a near-death experience like I did... before they learn to live!

CCJA: How does your experience as a successful musician inform your work and your project?

ROBB: I want to teach people that having success is not what fulfills us, rather, doing something of significance and helping other people is the only way to find fulfillment. My experience with a successful musical career has given me first-hand knowledge of this.

CCJA: What ultimately got you started? And why and how did you decide to help youth?

ROBB: My struggles and my unwillingness to talk to anyone about my struggles. I know what it feels like to be alone... and I know how hard it was. I want to show young people they aren't alone.

CCJA: Could you talk to us about the Robb Nash Project?

ROBB: The Robb Nash Project is an initiative that engages young people through the power of music and storytelling to inspire hope and encourage positive life choices. We bring our presentation to more than 200 schools each year, and we have reached over 1 million students to date through school shows and social media. Using story and song, the presentation walks head on into difficult topics, knowing that these are the things on young people's minds: bullying, addiction, self-harm and suicide. We sensitively deal with these serious issues that many on

the team have experienced first-hand. The Robb Nash team creates a relatable and approachable style, and the team members' real-life stories create credibility and trust with the students we meet. The presentation plants a message of hope and inspiration in people's minds and hearts and we challenge them to make changes in themselves and the world around them.

CCJA: Where would you say the Robb Nash Project has added the most value?

ROBB: Getting conversations started. We have had over 600 students hand us their suicide notes, received hundreds of razor blades from those who self-harm, and even had students relinquish bottles of pills and other drugs. We connect these students up with their local counsellors and help get the conversation started. We live in a world where more and more people are suffering from depression and addiction. Suicide is becoming an all-too common occurrence and affecting younger and younger ages. But we believe there is hope as the subject of mental health becomes talked about more and more. We are strongly passionate about using music to continue these ever-important conversations.

CCJA: What are your thoughts on the current crime prevention and mental health efforts of schools and policy makers?

ROBB: I get so frustrated when I see a school that shares one counsellor with 8 other schools. If 1 out of 5 students had a heart condition and their heart could fail them at any time... our government would make sure there would be somebody on site that would know how to respond and help. Why is it not the same for someone whose brain could fail them?

CCJA: How would you evaluate the success of such a project as yours?

ROBB: I wish that what we do was not necessary. But it is. And the overwhelming response to our shows and the desperation of the schools and prisons that ask us to come show how desperate our country is for hope.

CCJA: Finally, how do you foresee the future?

ROBB: It does not seem like the issues are slowing down. So as long as we are relevant, we will do whatever we can to show people that they are not alone. And we want to train up other young artists to show them how they could use music to help others. ■

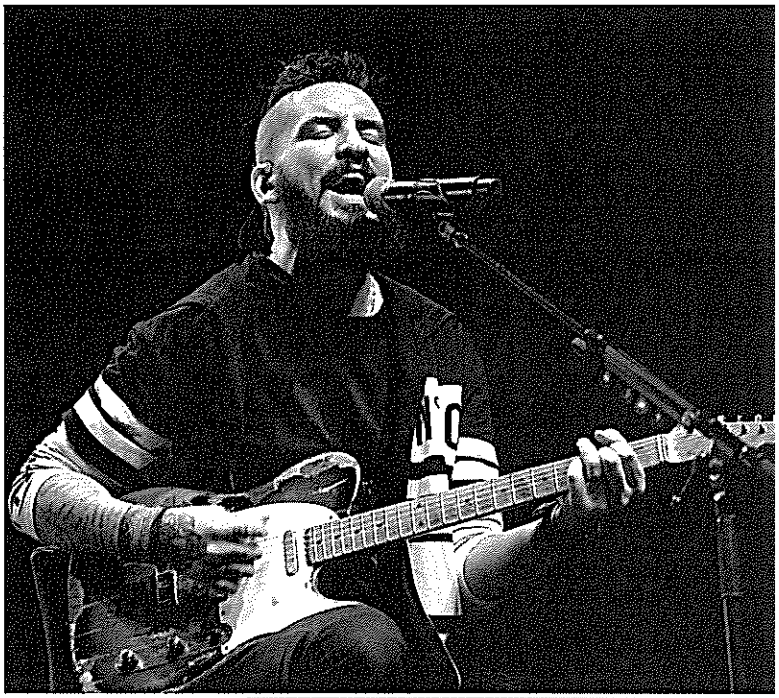
COVER & ARTICLE PICTURES PROVIDED BY ROBB NASH.

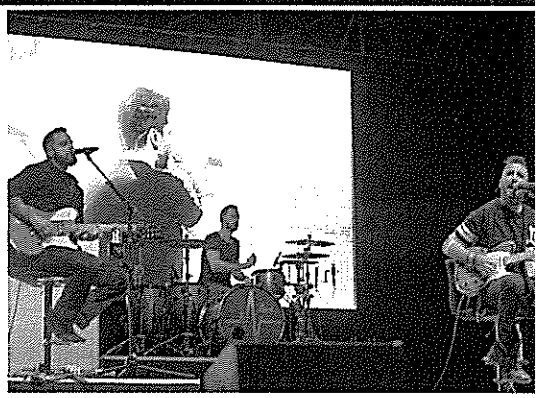
RÉSUMÉ

Entrevue de l'ACJP avec Robb Nash

Site web : www.robbnash.com

« Le projet Robb Nash, un projet primé, est une initiative qui suscite l'engagement de jeunes gens au moyen de la musique et de récits dans le but de susciter de l'espoir et de favoriser des choix de vie positifs. Robb et son groupe offrent des présentations dans plus de 200 écoles chaque année et sont parvenus à rejoindre plus d'un million d'élèves à ce jour par le truchement de présentations en milieu scolaire et dans les médias sociaux. Il attaque de front les sujets difficiles, sachant que les jeunes y pensent: l'intimidation, la toxicomanie, l'automutilation et le suicide. Robb dégage une énergie positive, tant dans ses récits que dans ses chansons, et il aborde avec délicatesse les problèmes graves auxquels il a personnellement été confronté. Son style pertinent et abordable le rend crédible et suscite la confiance des étudiants qu'il rencontre. Il parvient à attirer leur attention absolue et, de ce fait, à implanter un message d'espoir et d'inspiration dans leur esprit et dans leur cœur. Il les met au défi d'effectuer des changements en eux-mêmes et dans leur entourage.» (Traduction)





The Global Youth Justice Movement: Harnessing the Power of Positive Peer Pressure

JOHN WINTERDYK & SCOTT BERNARD PETERSON

What was begun as a 'made in America Global Goal' by social entrepreneur Scott Peterson in 1993, peer court volunteer-driven youth justice diversion programs (aka youth/teen/student court diversion program, youth jury and peer jury diversion programs, etc.) have mushroomed from 78 community-based programs in 1994 to over 1,700 programs around the world on four continents (i.e., North America, Europe, Africa, and Asia) as of 2017, and there's no sign that this local volunteer-driven approach to Youth Justice and Juvenile Justice will slow down anytime soon. Yet, there is no such formalized program in Canada! To this end, Winterdyk and Peterson take a ground-breaking look at how such (youth) diversion programs readily align with the Extrajudicial Measures set forth in Canada's Youth Criminal Justice Act (2013), Section 4. Extrajudicial means outside the court, and the measures aim at avoiding the formal court process (and criminal records) for youth when accountability and rehabilitation can be obtained through alternative means.

Youth/Peer Courts in the US: History and Rational at a Glance

Although the legacy of the youth justice movement dates to the 1950's in the State of Maine, when a judge wrote about such a concept in a local newspaper, there is no formal record of what transpired. It has never been determined if such a program was implemented. Nevertheless, in the 1970s—coinciding with major juvenile justice reforms and support for diversion programs for young offenders—a few of the mostly northern States implemented what are now known as youth/teen/ Student/peer court and peer jury youth diversion programs (hereafter referred to as peer court).

By the early 1990's, however, the peer court concept began to take hold in local communities in the US and to evolve thanks in large part to the efforts of those who believed that young offenders—especially first-time offenders and/or youth having committed minor offenses—should be diverted from youth justice and juvenile justice systems, yet still be held accountable for their actions (e.g., Section 3 ACJS). It was not until 1997, when the United States Department of Justice launched the first federal effort within its Office of Juvenile Justice and Delinquency and Prevention (OJJDP) to actively undertake a wide range of federally funded projects, utilizing millions of tax-payer dollars for the specific purpose of proliferating peer court diversion programs throughout the country. This federal funding was greatly reduced within a decade, and OJJDP subsequently eliminated its research and training division. Nonetheless, by 2008, the number of peer court diversion programs in the USA had surpassed a staggering 1,200+ communities.

Overview of 'Peer' Courts

It Is important to note that peer courts are not a formal court or a specialized court, they are diversion programs. During the 1970's and 80's, most of the-then 20 or so peer court diversion programs did not expand to neighboring communities, due to social and political change and reforms throughout the country in response to high rates of juvenile crime, growing concerns over the rise of youth gangs, and a gradual shift towards more punitive measures such as incarceration (see, generally, McCord et al., 2000). Peer courts are youth-driven and function with a jury comprised of the youth's peers.

In this way, peer court diversion programs also benefit past youth offenders and youth in general by engaging them as volunteers in peer court, which increases their knowledge of the criminal and juvenile justice system. It also facilitates development of important skills relating to the analysis of information, determination of its relevance and importance, and in articulating and advocating positions. It also supplies the programs with peer role models. Youth volunteers typically serve in the roles of judge, prosecutor, defender, clerk/bailiff, and jury foreperson and are required to successfully complete a multi-week, law-related educational program. Volunteer youth jurors often consist of any youth who wishes to participate and this system thus promotes awareness of the rule of law and the functioning of the legal system among all young people. It has a unique potential to reach a very broad spectrum of young people, from youth who have committed an offense, to non-offending youth who wish to invest a small amount of their time as jurors and those who wish to invest substantial time and effort in the program.

In addition to peer courts being called different names (e.g., peer court, student court, youth court, peer jury, youth justice program, etc.), they have been established and administered in a variety of ways. Most of the programs are used as an alternative sentencing option for (largely) first time offenders having committed non-serious/non-violent crimes. The volunteer youth and youthful offenders are both usually between the ages of 10 to 18, and in most of the programs the defendant's parent or guardian must agree to the youth offender's participation. As with other diversion-type programs used in Canada, the youth must admit to wrongdoing (i.e., guilt) and accept the peer court option over the traditional and formal trajectory of the youth justice process.

Furthermore, in addition to representing an alternative to conventional youth justice measures and promoting civic engagement, the Peer Court Model differs in that it does not rely on young volunteers to pass judgement on the offender's sanction. Typically, the sanctions range from a combination of community service, conflict resolution training, restitution, jury duty, and/or educational workshops. Depending on the model used, the youth serving as court officials may serve as jurors, prosecuting attorneys, defense council, clerks, and even as judges. Peer court sentencing never results in a criminal record.

Peer courts are established within and by local communities

What is further unique about the model, and which would work well in a Canadian context, is that peer courts are established within and by local communities. Hence, they are adaptable to the social, cultural, ethnic, and other possible key factors that can accommodate different community needs. Among the programs currently operating elsewhere in the world, for example, the administering agencies operating the programs include such organizations as police, probation, juvenile court, public defender offices, schools, agencies serving youth, community service organizations, and a wide range of nonprofit organizations.

The success of peer court is contingent upon local support and involvement of community members from diverse sectors. It is essential to recognize that the peer court model cannot operate without the coordinated collaboration of local agencies and community efforts, which in turn ensures the sustainability of the program beyond economic and/or political agendas.

Peer Court Models

As noted above, peer courts are characterized not only by different names, but also by different operational models that can be helpful to describe them. For discussion purposes, there are four main program models having dozens of programmatic, operational, and administrative practices, which, again, give local communities considerable options to operate a peer court that works best for them.

The primary four models are:

1. **Adult Judge Model**—relies on an adult judge (usually voluntary) to preside over the courtroom procedure and ensure legal protocols are properly followed. However, youth volunteers are typically between the ages of 14-18 and serve as defender, prosecutor, clerk/bailiff, and jurors.
2. **Youth Judge Model**—is like the Adult Judge Model except that a youth volunteer serves as judge. In some program models, the youth judge has first served as a volunteer in peer court in the other roles for a given period.
3. **Peer Jury Model**—draws on the peer model, in that the model uses a panel of youth jurors who question the offender directly. Under this model there is no one defender, prosecutor, or judge. With this model, the judge is often an adult volunteer who has essential knowledge of the legal system and due process.
4. **Youth Tribunal Model**—parallels the adult system in that there is no peer jury. Instead, youth typically serve as judge, prosecutor and defender, and present cases to an adult judge who then determines the appropriate sanction.

Regardless of which model a community selects, most peer courts are situated either in a youth

justice system, in schools, or within a community nonprofit setting. Typically, most peer court models call for hearings 2-3 times per month. However, some communities hold peer court hearings weekly, once a month, and even twice a week. Other modes of delivery range from local governments, the administrative office of the courts, and/or certain other formal organizations such as a bar association or district attorney office. Various US-based studies have shown that the success rate (i.e., completion of the program and not re-offending) of the peer court programs run as high as 88% compared to only around 15% who do not reoffend after being referred to probation or some other conventional sanction for a subsequent offense (Peterson, 2009).

Irrespective of the Peer Court Model, all models strive to attain a "constructive disposition" (i.e., accountability) for the defendant that is seen to have a restorative and/or rehabilitative component to it. Hence, the main sentencing outcomes involve some form of community service or participation in an educational-type program. However, other options can and have been used. In more than 50% of all peer court diversion programs in the US, peer court hearings are held in the evening in available adult criminal justice courtrooms. About 30% of peer court hearings take place in school, with the remaining 20% being held in various locations such as a government building, youth bureau or law enforcement settings.

All peer court models create a positive and educational alternative to an already overburdened youth justice system. Yet, a typical response can be found in the comments of Margaret Waddell, who wrote in 2012 that the four best ways to address an overburdened judicial system (in Ontario) was to: 1) hire more clerks for the judges, 2) create an online reservation system for motion scheduling, 3) Abolish automatic dismissals, and 4) establish a province-wide online database of current court cases. And while she acknowledges that such changes would come with an additional price tag, she suggests the result would not only help streamline the system but also make it more efficient. Yet, a fundamental detail overlooked in her argument is that the accused would still be subjected to the stigma of having a criminal record and thus essentially undermines the underlying objective of the YCJA. Therefore, what is the potential for a Peer Court Model in Canada?

Potential for Peer Court Models Within the Canadian Youth Justice System

According to 2014/2015 Youth Court Statistics in Canada, there were 32,835 completed cases including 120,907 charges. Of those cases, some 57% pleaded guilty, or were found guilty. The most common disposition used by the programs involves some type of community-based services. The dispositions account for approximately 25% of all the completed cases. Other than "Other" outcomes, conditional discharge accounted for only 15% of the dispositions. Furthermore, based on official data the number of cases completed in youth court was declining steadily from 1991 (almost 100,000 cases) through to 2014/2015 (Miladinovic, 2016).

In addition to the goal of more youth being deferred out of the youth court process. Section 5 of the YCJA—enacted in 2003—notes that Extrajudicial Measures models should be designed to encompass the following, among other:

1. Provide an effective and timely response to offending behaviour outside the bounds of judicial measures.
2. Respect the rights and freedoms of young persons and be proportionate to the seriousness of the offence.
3. Encourage young offenders to acknowledge and repair the harm caused to the victim and the community (Green, 2016, p. 65).

Also, in accordance with Section 69 of the YCJA, the youth justice system allows for the creation of community-based justice committees which according to Bala et al. (1994, p. 36) had been in limited use across the country but "provide an excellent vehicle for communities to exercise greater authority and control in juvenile justice matters". Furthermore, and consistent with how the peer model operates in the States, Section 10 of the YCJA stipulates that extrajudicial sanction may only be used if the young offender "accepts responsibility" for their alleged offence.

The point is that although fewer cases are being processed through the formal Youth Court, the youth justice system does not appear to be optimizing the use of alternative measures or alternative sanctions as readily as it could or to the extent intended by the YCJA. For example, in their assessment of the YCJA, Bala et al. (2009, p. 159) concluded that there continues to be significant regional variation in rates of use of traditional youth courts and custody—and therefore considerable room for additional community-based/alternative options, which can be created in accordance with the Act.

Aside from offering a viable alternative to existing extrajudicial programs within the youth justice system, the highly successful and affordable Peer Court Model would appear to offer the Canadian youth justice system several instrumental and functional benefits.

Although this article did not address some of the more pragmatic issues—such as how to recruit

and train both youth and adult volunteers, types of referral sources and the referral process, the broader implications of deferring young offenders into such programs, or how best to standardize the establishment of peer court models—it nonetheless achieved its goal, which was simply to introduce the concept, stimulate interest in the concept, and ideally generate an initiative to explore and pilot test the model within a Canadian context on a local level. ■

POTENTIAL BENEFITS OF PEER COURTS FOR CANADA

- Civic engagement of young offenders and youth in general.
- Nurturing partnerships between youth and adults that are continual rather than episodic.
- Reductions in reoffending rates show peer/youth court diversion programs to be effective and among the least expensive compared to other youth justice programs (see Peterson, 2009).
- Guidance and a 'second chance' for the youth (age 10-18) involved in such programs.
- Rehabilitation and reintegration of young offenders, a key objective of the YCJA.

The list goes on...

RÉSUMÉ

The Global Youth Justice Movement: Harnessing the Power of Positive Peer Pressure

JOHN WINTERDYK & SCOTT BERNARD PETERSON

D'abord présenté comme un « objectif global pour l'USA » par l'entrepreneur social Scott Peterson, en 1993, les programmes de déjudiciarisation pour adolescents menés par des pairs (tels des programmes de déjudiciarisation menés par des jeunes/adolescents/étudiants, les programmes de déjudiciarisation faisant appel à des jurys de jeunes ou de pairs) ont foisonné, passant de 78 programmes communautaires en 1994 à plus de 1700 en 2017. On les retrouve sur quatre continents (l'Amérique du Nord, l'Europe, l'Afrique et l'Asie) et rien ne laisse présager que cette approche locale et bénévole de la justice pour adolescents réduira en importance à court terme. Il n'existe pas de programme aussi formalisé au Canada. C'est ce qui a amené Winterdyk et Peterson à procéder à un examen novateur de tels programmes de déjudiciarisation pour les jeunes et de la façon dont ils s'harmoniseraient avec les mesures extrajudiciaires prévues à l'article 4 de *Loi sur le système de justice pénale pour les adolescents de 2013*. Extrajudiciaire veut dire à l'extérieur des tribunaux et ces mesures visent à éviter que des jeunes soient astreints à la procédure formelle du tribunal (incluant un casier judiciaire), lorsque des approches de rechange peuvent assurer qu'ils soient tenus responsables et réadaptés à implanter un message d'espoir et d'inspiration dans leur esprit et dans leur cœur. Il les met au défi d'effectuer des changements en eux-mêmes et dans leur entourage.

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La mise en oeuvre de la Charte canadienne des droits des victimes : réflexions sur le travail qui nous attend

ARLÈNE GAUDREAULT
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L'entrée en vigueur de la Charte canadienne des droits des victimes (CCDV) a fait peu de bruit. Depuis avril 2015, plusieurs initiatives ont été mises en place afin que les victimes puissent se prévaloir de leurs droits et recours. Elles varient cependant beaucoup d'un gouvernement à l'autre. Malgré les efforts déployés, la CCDV est peu connue et a suscité peu de discussion. Elle n'a généré aucune plainte auprès du ministère de la Justice du Canada et on ne sait pas ce qu'il en est des provinces et territoires. La réussite de sa mise en œuvre suppose que les intervenants soient mieux formés et que divers organismes et instances précisent leurs obligations à l'endroit des victimes. La CCDV sera évaluée en 2020 et il faut s'y préparer. Or, le bilan à mi-chemin est plutôt mitigé.

Une autre pièce dans l'arsenal législatif

Au Canada, au cours des 30 dernières années, le Code criminel et la Loi sur le système correctionnel et la mise en liberté sous condition (LSCMLSC) ont été modifiés à plusieurs reprises afin d'assurer aux victimes une meilleure protection et d'améliorer leur participation dans le système de justice pénale. De nombreux jugements et décisions rendus par la Cour suprême du Canada, par les tribunaux de juridiction criminelle et civile sur diverses questions ont aussi permis de raffermir et de préciser les droits reconnus aux victimes.

En avril 2015, le gouvernement fédéral ajoutait une autre pièce dans l'arsenal législatif en promulguant la Charte canadienne des droits des victimes (CCDV). Dans la foulée de la *Déclaration des principes fondamentaux de justice relatifs aux victimes de la criminalité et aux victimes d'abus de pouvoir* (ONU, 1985), rappelons que le Canada avait adopté en 1988 l'*Énoncé canadien de principes de justice pour les victimes d'actes criminels* et qu'à sa suite, l'ensemble des provinces et territoires avait entériné des lois ou chartes encadrant les droits des victimes.

Pour l'essentiel, la CCDV vise à renforcer les droits des victimes à l'information, à la protection, à la participation et au dédommagement. Elle leur donne aussi la possibilité d'exercer certains recours lorsque ces droits sont lésés.

Même si elle fut généralement bien accueillie, la CCDV a fait l'objet de critiques lors du processus de consultation qui a mené à son adoption. Plusieurs organismes et experts ont déploré que les droits énoncés dans la Charte restent largement tributaires du pouvoir discrétionnaire des tribunaux, des agences pénales ou des ministères ayant des responsabilités à l'endroit des victimes. Nombre d'entre eux ont rappelé que les recours et les mécanismes pour les exercer sont peu définis surtout, ceux qui relèvent des instances provinciales et territoriales. De telles contraintes peuvent en limiter considérablement la portée et la force exécutoire. Ils ont également souligné que la mise en oeuvre de la CCDV exigera l'allocation de ressources et l'engagement des gouvernements, particulièrement ceux des provinces et territoires car l'administration de la justice leur appartient.

Se préparer pour l'évaluation de la CCDV en 2020

La CCDV devra être évaluée en 2020. C'est un des rares amendements qui fut entériné lors de l'étude du projet de loi C-32 (Loi édictant la Charte canadienne des droits des victimes et modifiant certaines lois). Sage décision de la part du législateur, elle nous obligera à rendre compte dans trois ans de l'importance que nous aurons accordée à la CCDV et des efforts que nous aurons déployés afin qu'elle soit un levier pour faire avancer les droits des victimes au Canada.

À mi-chemin de ce processus d'évaluation, où en sommes-nous? Les victimes connaissent-elles mieux les droits et les recours qui leur sont reconnus dans la CCDV? Les professionnels de l'assistance aux victimes sont-ils bien outillés pour les accompagner et les soutenir dans leurs démarches? La CCDV a-t-elle eu un impact sur leur mission et leur travail quotidien? Policiers, procureurs, juges, commissaires des libérations conditionnelles, intervenants correctionnels: ces acteurs du milieu de la justice sont-ils sensibilisés et ouverts aux objectifs qu'entend promouvoir la CCDV? Ont-ils pris des mesures pour qu'elle soit mieux connue, pour que les pratiques dans leurs milieux respectifs soient modifiées ou mieux adaptées afin de tenir compte des changements qu'elle souhaite apporter? En d'autres termes, la CCDV a-t-elle une certaine résonnance auprès de ceux et celles qui jalonnent le parcours des victimes et de leurs proches dans le système de justice? Ce sont des questions qu'il faudra examiner en 2020. Il est trop tôt pour y répondre, car l'information reste parcellaire ou éparpillée, voire absente. Cependant, avec le recul des deux dernières années, nous pouvons faire quelques constats pour alimenter l'exercice qui nous attend.

Actualiser les droits et recours reconnus dans la CCDV: un défi à relever

En avril 2015, l'entrée en vigueur de la CCDV a été plus que discrète. Qu'il s'agisse du gouvernement fédéral ou de ceux des provinces et territoires, il n'y a eu aucun branlebas pour en faire la promotion. Nous avons raté le coup d'envoi de cette Charte qui, initialement, avait été présentée comme étant un tournant historique pour la reconnaissance des droits des victimes.

Pour autant, cela ne veut pas dire que rien ne s'est passé depuis sa promulgation. Au cours des deux dernières années, plusieurs documents d'information ont été diffusés sous différents formats par plusieurs ministères ou organismes qui relèvent des gouvernements fédéraux, provinciaux ou territoriaux. Ils permettent aux victimes et à leurs proches d'être mieux renseignés sur leurs droits lorsqu'ils souhaitent obtenir de l'information, participer aux procédures pénales, mieux assurer leur protection ou être dédommagés. Ils les aident également à se familiariser avec le fonctionnement du système de justice et avec le rôle des intervenants à différentes étapes. Pour le moment, il est difficile d'évaluer le travail qui a été entrepris d'une région à l'autre du Canada afin d'améliorer l'information liée à la CCDV et d'en faciliter l'accès aux victimes et à leurs proches. Il faut cependant reconnaître les efforts déployés par le gouvernement fédéral, ceux du ministère de la Justice du Canada et de la Sécurité publique Canada en particulier, pour atteindre de tels objectifs.

Ces initiatives n'aplanissent pas toutes les difficultés qui vont entraver le parcours des victimes et de leurs proches. L'information transmise ne leur permet pas nécessairement de bien saisir la portée des droits reconnus par la Charte. L'application de ces des droits est en effet limitée par le pouvoir discrétionnaire que peuvent exercer de nombreux organismes et ils sont balisés par d'autres lois ayant préséance sur la CCDV. Il ne faut pas croire non plus que cela devient chose facile pour eux de se repérer dans les rouages complexes de la justice, qu'il s'agisse des tribunaux adultes et juvéniles, du système correctionnel, des commissions d'examen des troubles mentaux ou des commissions des libérations conditionnelles fédérales et provinciales. Ni de se retrouver dans le dédale des organismes responsables de traiter leurs plaintes lorsqu'ils estiment que leurs droits ont été bafoués.

Il faut aux victimes beaucoup plus que des informations sur un site internet ou dans une brochure pour les rassurer quand elles sentent que leur sécurité est menacée, qu'elles vivent du stress dans l'attente des procédures judiciaires ou de la remise en liberté du délinquant. En réponse à leurs préoccupations, l'écoute et l'aide personnalisée restent nécessaires. Confier ses difficultés par courriel, laisser un message à une personne anonyme sur un répondeur: ces façons de faire « modernes » sont de plus en plus présentes. Elles peuvent nous sembler efficaces mais, elles sont source de victimisation secondaire pour nombre de victimes. Malheureusement, le droit à l'information est trop souvent réduit à sa plus simple expression.

Chose certaine, il y a encore un important travail à accomplir pour que les dispositions qui enchâssent les droits des victimes soient mieux connues et comprises. Et cette tâche est encore plus exigeante si l'on veut qu'elles puissent véritablement se prévaloir des recours prévus dans la CCDV. Le rapport annuel 2015-2016 du ministère de la Justice du Canada (MJC) sur le traitement des plaintes liées à la Charte canadienne des droits des victimes (Centre de politique concernant les victimes, 2017) l'illustre bien. Au cours de la première année qui a marqué la mise en application de la CCDV, seulement dix plaintes ont été acheminées au MJC. Aucune plainte ne se rapportait à des manquements en

lien avec la Charte. Même si les diverses instances qui relèvent du gouvernement fédéral ont agi avec célérité, manifestement, il y a plus à faire pour encourager les victimes à dénoncer les situations ou les comportements qui vont à l'encontre de leurs droits. Quant aux provinces et territoires, la CCDV est peu explicite en ce qui concerne leurs obligations et, présentement, il est difficile de savoir comment leurs engagements se sont traduits sur le terrain et ce qu'ils ont accompli dans les faits.

Faire connaître la CCDV et alimenter la réflexion

L'avancement des droits des victimes est une responsabilité collective et il repose sur la contribution de nombreux organismes. C'est dans cette perspective que l'Association québécoise Plaidoyer-Victimes (AQPV) a produit au cours des quatre dernières années, des guides d'information pour faciliter la trajectoire des victimes et de leurs proches et pour les encourager à faire valoir leurs droits et recours (www.aqpv.ca). En 2017, l'AQPV s'est également engagée dans un ambitieux projet financé par le MJC qui s'étalera sur deux ans. Faire connaître la CCDV, vulgariser et diffuser des outils d'information destinés aux victimes et au grand public, alimenter la réflexion sur les droits des victimes et les responsabilités des différentes agences sociales et pénales à leur endroit: ces objectifs sont au coeur de ce projet. Dans le cadre de cette démarche, des groupes de discussion et des sessions de formation ont donné l'occasion d'aborder différentes questions liées à la Charte avec une centaine d'intervenants impliqués dans divers organismes communautaires, dans l'aide aux victimes ou dans le système de justice pénale au Québec.

Qu'avons-nous appris? En grande majorité, les participants à ces activités avaient peu entendu parler de la CCDV. La plupart n'étaient pas vraiment au courant des changements apportés dans le Code criminel et dans la Loi sur le système correctionnel et la mise en liberté sous condition lors de l'adoption de la CCDV. Ils connaissaient peu ou pas les recours vers lesquels les victimes peuvent se tourner et les mécanismes en place pour porter plainte. Des informations écrites avaient circulé dans un cercle limité d'organismes d'aide aux victimes. La CCDV n'avait pas fait l'objet de discussion ni d'aucune analyse dans les milieux de travail. À toutes fins pratiques, elle était passée inaperçue.

Au Québec et ailleurs au Canada, il nous faudra avoir plus de données pour approfondir, étayer ou nuancer ces constats. Ces rencontres ont néanmoins fourni de précieux indicateurs quant aux difficultés que représente la mise en oeuvre de la CCDV et au travail qui nous attend. Elles montrent aussi que nous avons besoin de lieux nous permettant de mettre en commun nos connaissances et notre expertise afin de mieux enraciner les droits des victimes.

Conclusion

Depuis l'adoption de la Charte canadienne des droits des victimes, il est difficile de jauger l'ampleur des initiatives qui ont été mises de l'avant au Canada. Le fait que les nouvelles dispositions pour renforcer les droits des victimes restent encore peu connues et que la Charte elle-même a suscité si peu de réflexion est en soi inquiétant. Comment peut-on s'attendre à ce qu'elle ait des retombées positives si on en ignore l'existence ou si elle nous laisse indifférents? Le peu d'empressement de nombreux organismes à préciser leurs obligations à l'endroit des victimes, l'absence de stratégie de formation pour améliorer les pratiques et mieux outiller les divers intervenants dans le système de justice, le manque de concertation et de vision: ce sont autant de facteurs qui nuisent à la mise en oeuvre de la CCDV et la retardent indûment. On ne peut faire fi de ces obstacles.

Quel sera notre bilan en 2020? Serons-nous fiers de ce que nous aurons accompli? Pour le moment, les résultats sont mitigés. L'échéancier est court et nous n'avons plus de temps à perdre. ■

ABSTRACT

La mise en oeuvre de la Charte canadienne des droits des victimes: réflexions sur le travail qui nous attend

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The coming into force of the Canadian Victims Bill of Rights (CVBR) in April 2015 attracted scant notice. Moreover, several initiatives have since been put in place to help victims avail themselves of their rights and remedies, but such supports vary greatly from one government to the next. Despite all efforts, the CVBR remains little known and has generated little discussion. It has not brought about any complaints to Department of Justice Canada, and it is unknown if any have been brought about in the provinces and territories. Successful implementation will require better training of stakeholders and clear identification by jurisdictions and agencies as to their obligations towards victims. The CVBR will be evaluated in 2020 and much work lies ahead. Reactions at the halfway mark have been lukewarm, to say the least.

The Challenge of Evidence-Based Practice: Diverse Responses by Provincial and Territorial Community Corrections

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Community corrections has embraced evidence-based practice more readily than have other parts of the criminal justice system, and the research on offender assessment and treatment, produced largely in Canada since 1980, has been avidly received due to needs imposed by large caseloads. Services across the provinces and territories operate under the same Charter and federal legislation, generally deliver the same suite of services, and subscribe to the Risk-Need-Responsivity (RNR) model of case management developed by D. A. Andrews and James Bonta (Bonta and Andrews, 2016). Yet the organization and delivery of these services, and the application of 'evidence-based practice', differs significantly across the country. The Strategic Training Initiative in Community Supervision (STICS) model is emulated internationally, but viewed with caution at home. Comparative studies would demonstrate the strengths and weaknesses of different approaches by provinces and territories.

A great natural experiment

Arguably, no sector of the criminal justice system has embraced evidence-based practice more readily than community corrections. Research on offender assessment and treatment, much of it produced in Canada from the 1980s onward, has been avidly received by most community correctional organizations. Struggling with large caseloads, they sought a method to prioritize cases and apply interventions with demonstrable impact on public safety.

Over 100,000 adults and more than 7,000 youth are supervised by community corrections on an average day, representing some 80% of all persons under any form of correctional jurisdiction (Statistics Canada, 2016). The opportunity to reduce re-offending is formidable, not only because so many more people are exposed to community supervision (as opposed to custody) but also because treatment delivered in the community is more effective than treatment delivered in institutions (Bonta and Andrews, 2016). Community corrections is overwhelmingly a provincial and territorial enterprise. Youth corrections is under the exclusive jurisdiction of the provinces and territories, while the federal component is just 8% of the total community correctional caseload (Statistics Canada, 2016). Among those eight percent are some of Canada's most dangerous offenders, but provincial and territorial caseloads also have significant cohorts of high-risk offenders.

Services across the provinces and territories operate under the same Charter and federal legislation, generally deliver the same suite of services, and subscribe to the Risk-Need-Responsivity (RNR) model of case management developed by D.A. Andrews and James Bonta (Bonta and Andrews, 2016). Yet the organization and delivery of these services, and the application of evidence-based practice, differs significantly across the country. There are eighteen distinct community corrections operations in Canada, including C.S.C., and the four provinces and one territory which house their adult and youth services in separate ministries. The

makings of a great natural experiment are present, but surprisingly unexploited.

Youth and adult supervision: together or apart?

British Columbia, Ontario, Quebec, Yukon, and Newfoundland and Labrador have long lodged their youth probation services within ministries devoted to children and youth or social services. Possessing the critical mass to make stand-alone youth justice organizations feasible may figure into the decision, but there is also a philosophical dimension. While Canada's three largest provinces chose this route, two of the smallest jurisdictions did as well.

The benefits of locating youth justice services in a child and youth or social service ministry appear unassailable. The unique developmental issues and needs of clients are recognized in a youth-focused environment, and linkages to schooling, child protection and age-appropriate addictions and mental health services bolster effective case management. An organizational divide between youth and adult services also reflects the distinct legislative frameworks applying to each group.

Nonetheless, as individuals mature at vastly different rates, any legislated age divide is necessarily arbitrary. From an adolescent neuroscience perspective, the divide established by the *Youth Criminal Justice Act* (and previous legislation) is particularly unfortunate in missing the mark by several years. And many ostensibly "adult" offenders have delayed neurological maturation or neurological impairments, rendering them closer in maturity to youth clients. (Scott and Steinberg, 2008; and others).

Among those provinces and territories offering adult and youth supervision under a single justice or public safety umbrella, on the other hand, there are a number of variations. Often, separate adult and youth community offices are found in larger centres, while probation officers in rural areas do double duty. Within the justice ministries in Alberta and Manitoba, there are central youth justice branches, which operate youth custody and a few specialized youth community offices while providing policy and practice guidance to generic probation officers supervising youth in rural areas. Calgary has the distinction of hosting Canada's last municipal youth probation service, which operates under contract to the province.

Saskatchewan has recently merged its separate youth and adult divisions, acknowledging the permeable youth/adult boundary and the significant cohort of high-risk offenders who begin offending as youth and continue into adulthood despite intervention. The new model should provide better continuity of care for these clients. And using staff more flexibly will fortify the presence of community corrections in rural and remote areas.

Regardless of legislation and government structure, jurisdictions need to "soften" the youth/adult boundary, recognizing the "youth-like" characteristics of young adults, and adults of any age who are developmentally impaired.

Bail supervision: the East/West divide

A significant distinction between community corrections in eastern and western Canada is the provision of bail supervision. Supervising bail orders containing reporting conditions is *de rigueur* west of the Manitoba/Ontario border, but rarely so in the east. Exceptions are the supervision of adults charged with domestic violence in Quebec and in St. Johns, Newfoundland. Quebec also supervises youth placed on bail. In provinces and territories where community corrections does not provide this service, it generally falls to the police, although in major cities in Ontario, non-profit agencies such as the John Howard Society fill the need. In jurisdictions providing bail supervision, it is a major piece of business. In British Columbia, nearly 8700 clients are supervised on bail, representing 37% of the community caseload (B.C. Ministry of Public Safety 2017). Notwithstanding the draw on resources, bail supervision has largely escaped the scrutiny of research. The fundamental questions about whether supervising a person increases the likelihood that they will appear for trial, and avoid trouble while awaiting trial, remain unanswered. Likewise, we do not know if there are different outcomes related to the agencies providing supervision.

If courts are going to put people on bail with reporting conditions, there may be some efficiency in community corrections undertaking the work. Probation officers are already familiar with many of the accused, and there are systems in place to track personal information and reporting.

Offender assessment: The pinnacle of evidence-based practice

In no aspect of community corrections has the reach of research delivered more profound and universal impact than offender assessments. These assessments combine actuarial data and guided professional judgment to identify criminogenic factors and gauge the relative risk of re-offending. Some assessments offer an additional structure for a case plan corresponding to the identified risk factors.

At first blush, one might think the choice of offender assessment tools is another significant distinction between east and west. There is an obvious but benign change at the Saskatchewan/Manitoba border. The maverick western provinces and

Yukon all employ unique assessment instruments, while from Manitoba to the east almost everyone employs the Level of Supervision/Case Management Inventory (LS/CMI) for adults (Andrews, Bonta and Wormith, 2004) and the Youth Level of Supervision/ Case Management Inventory for youth (YLS/CMI) (Hoge and Andrews, 2011). Ontario uses its own revisions of the LS/CMI and YLS/CMI. Quebec uses a variety of assessments for youth.

Assessment alternatives to the LS/CMI & YLS/CMI

INSTRUMENT	JURISDICTION
Service Planning Instrument (SPIN), Youth Assessment and Screening Instrument (YASI)	Alberta Adult, Alberta Youth
Community Risk Needs Assessment (CRNA) & Yukon Offender Screening Instrument (YOSI)	British Columbia Adult, Yukon Adult
Structured Assessment of Violence Risk in Youth (SAVRY)	British Columbia Youth
Saskatchewan Primary Risk Assessment (SPRA) and Primary Risk Assessment (PRA)	Saskatchewan Adult, Nunavut
LSI – Saskatchewan Youth Edition	Saskatchewan Youth

Alberta has turned to the private sector, using offender assessments developed by Orbis Partners, a Canadian company working extensively in the United States. The adult instruments in British Columbia and Saskatchewan are homegrown, as is Saskatchewan's youth assessment. Yukon's adult instrument is based on British Columbia's, and Nunavut's is based on Saskatchewan's. British Columbia is the only Canadian jurisdiction to use the SAVRY (see table) as a primary youth assessment. It has been validated as a predictor of both violent and general offending.

The reassuring news is that all these instruments incorporate the common criminogenic factors identified in the Risk-Need-Responsivity research of Andrews and Bonta. The less encouraging news is that a "medium" supervision level recommended by an assessment in one province may not describe exactly the same kind of offender as a "medium" level in another province, so comparisons of the risk profile of caseloads in different jurisdictions are difficult.

Canadian casework advances: Admiration abroad but caution at home

The adult offender casework model best supported by empirical research, and most emulated internationally, is the Strategic Training Initiative in Community Supervision, or STICS, developed by Public Safety Canada (Bonta et al, 2010). It is a method of one-to-one intervention by probation officers with medium and high-risk clients and is the latest progeny in a Canadian genealogy which began with Core Correctional Practices (Andrews and Kiessling, 1980).

STICS was piloted between 2007 and 2009 in British Columbia, Saskatchewan and Prince Edward Island. The two-year recidivism rate of the control group was 40.5%. The rate for clients in the experimental group was 25.3%. It was only 22% for experimental group clients whose probation officers regularly accessed clinical supervision (Bonta et al, 2010). Following the pilot, British Columbia and Prince Edward Island trained all adult probation officers in the model. Ontario is in the process of rolling it out. Sweden is also implementing the program and STICS spin-offs have been developed in Denmark and the United Kingdom. The U.S. has produced at least four STICS-like programs, although none has been validated as positively as the Canadian original.

Comparative studies needed

Most Canadian correctional jurisdictions, including Correctional Service Canada, have not embraced STICS. The program requires significant investments in time and resources for training and clinical supervision. Some jurisdictions lack resources and others are concerned about the level of implementation support available from Public Safety Canada. The demands on this federal agency by provincial jurisdictions have tested the limits of federal generosity. Some jurisdictions are not persuaded that STICS is superior to their current model, although in the absence of comparative studies, this cannot be known.

Of the wide variety of models employed by non-STICS jurisdictions, most subscribe to some extent to the principles of Risk-Need-Responsivity. As well, most jurisdictions augment their one-to-one work with some cognitive-behavioural group programs centred on general violence, domestic violence, substance misuse and sexual offending. Many of these structured programs also reflect RNR principles.

Selected examples of casework training models other than STICS

MODEL	JURISDICTION(S)
Awareness, Motivation and Engagement (AME) was developed for youth probation clients by the University of Victoria Centre for Addictions Research	British Columbia Youth
Effective Practices in Community Supervision (EPICS) is a STICS spin-off developed by the Corrections Institute at the University of Cincinnati, and widely used in the U.S.	Alberta Youth & Adult
Nunavut Healing and Learning Together (NUHALT) is based on Healing and Learning Together for Healthy Communications and Relationships, developed by Illinois-based Dr. Jeff Grumley	Nunavut Youth & Adult

Selected examples of casework training models other than STICS
SEE THE REST OF THE TABLE ON PAGE 20 . ▶▷▶▷▶▷▶

Selected examples of casework training models other than STICS

MODEL	JURISDICTION(S)
Effective Casework (EC) is centered around Motivational Interviewing and was developed in collaboration with Orbis Partners	New Brunswick Youth & Adult
Core Correctional Practices	Saskatchewan Youth & Adult, Nova Scotia Youth & Adult
Relapse Prevention	Saskatchewan Youth & Adult, Manitoba Youth & Adult

Research and training: eighteen 'near solitudes'

With the noted exception of bail supervision, most provincial and territorial jurisdictions deliver the same suite of offender assessment and intervention services. The facile explanation for differences between jurisdictions is that each customizes its services to the unique features of its geography and population. But several jurisdictions with similar geography and demographics have very different service delivery. Organizational history, the personality of leaders, and the comforts of the familiar compared to the costs of change, probably figure into the answer.

On the positive side, the diversity in casework methods provides yet-unmined raw material for experiments in the efficacy of different approaches. While some jurisdictions conduct outcome evaluations of their own services and programs, there have been no multi-jurisdictional studies apart from STICS, and its data, from three jurisdictions, was aggregated.

There is some collaboration among provinces, particularly in sharing curricula for group cognitive behavioural programs. The Community Corrections Subcommittee of the FPT Heads of Corrections Committee is an adult-focused forum for information exchange. An effort is underway to share online training resources. On the youth side, the FPT Working Group on Youth Justice Cost Sharing and Programs fulfills a similar function. These bodies do not have mandates to obtain the staffing required to carry out the legwork of collaboration.

While information and experience shared at high-level meetings is valuable, there is little interaction below the level of executive directors. Provincial and territorial services, and Correctional Service Canada, operate with remarkable insularity, despite potential synergies. In the training arena, a core curriculum for Canadian probation and parole officers would advance evidence-based practice, and would be a blessing for smaller jurisdictions struggling to provide rudimentary staff training. In the U.S., the Council of State Governments hosts a "Justice Center" with over one hundred staff engaged in research, training, and assistance with program implementation. What are the opportunities in Canada? They range from a modest "Centre for Evidence-Based (or "Excellence In") Community Corrections", to a larger enterprise concerned with all of corrections, or a "Centre for Evidence-based Criminal Justice—a broader institution than just corrections that covers policing, prosecution, victim services, etc." Federal participation in an academic/government/NGO consortium would be a potent manifestation of the current federal government's commitments to evidence-based practice and criminal justice reform. ■

AUTHOR'S NOTE: The author is indebted to the British Columbia Ministry of Public Safety, the Saskatchewan Ministry of Justice, and Public Safety Canada. Research assignments with these organizations have generated much of the information employed in this article.

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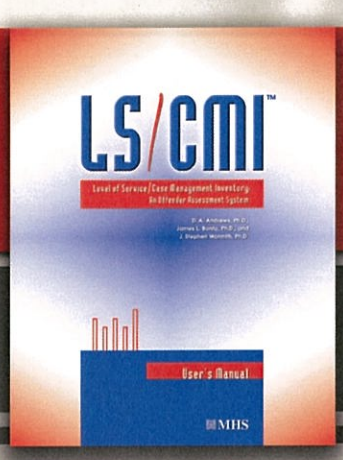
RÉSUMÉ

The Challenge of Evidence-based Practice: Diverse Responses by Provincial and Territorial Community Corrections

STEPHEN HOWELL
M.Phil. (Cantab), Camosun College, Victoria, BC

Les services correctionnels communautaires ont adopté les pratiques fondées sur des faits plus facilement que d'autres composantes du système de justice pénale. Les études sur l'évaluation et le traitement des délinquants, réalisées majoritairement depuis 1980 au Canada, ont été accueillies avidement en raison des besoins découlant de charges de travail imposantes. Les services offerts dans les provinces et territoires découlent d'une même Charte et de mêmes lois fédérales. Ils comprennent généralement un ensemble de services comparables et souscrivent au modèle Risque-Besoins-Réceptivité (RBR) de la gestion des cas, élaboré par D. A. Andrews et James Bonta (*Bonta et Andrews*, 2016). Pourtant, l'organisation et la prestation de ces services varient considérablement dans l'ensemble du pays, de même que la mise en œuvre d'une pratique s'appuyant sur des faits. L'initiative de formation stratégique en surveillance communautaire est imitée internationalement, mais accueillie avec prudence au pays. Des études comparatives permettraient de mettre en évidence les forces et les faiblesses des différentes approches adoptées par les provinces et territoires.



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Perception vs. Reality: Change Is Possible. Let It Begin With Me!

REVEREND LEON REMUS

Rather than looking at the criminal justice system to change, try making "be the change" your mantra. Walk a mile in my shoes is a wise saying. This is only possible by getting to know one another. If parole officer, guard, inmate and other justice stakeholders learn to get to know one another, perceptions will change and, with it, reality. Then and only then will our system change.

I remember it like yesterday. I had taken *Jim* into the bank, explaining what would happen. I stood back as he edged his way in the line, waiting for his turn with the teller. I was optimistic, yet as *Jim* came closer to having his turn I saw his body language expressing his inner feelings. I also looked at the teller, who had realized she would be dealing with *Jim*. Like his, her body language spoke the truth, a truth her smile was trying to hide. In the next moment, they met. She asked *Jim* the standard information questions. *Jim's* face showed the fluster and beginnings of anger/fear. The teller noticed his reaction and her expression began to mirror her inner feelings. A split-second decision and I jumped in to alleviate both persons concerns/fears...perceptions.

We finished the banking and walked out, to the relief of both parties. As *Jim* and I sat having coffee, I explained what had occurred. His perception of the events (the teller was targeting him as a con) and the teller's perception (she was afraid, although still followed protocol) led both of them to 'act out their reality story'. It was an "ah hah moment" for *Jim* when he recognized his as a lifelong reaction of how he lived out his life interactions with others: he would get angry, try to intimidate and if this didn't work, run from fears and perceptions. I later returned to the teller, explaining that *Jim* had been more afraid of her and the situation than what her thoughts had perceived (*Jim's* anger/frustration). She too had an "ah hah moment".

I share the above story because I believe the root issue within our Criminal Justice System is a "perception problem"! Them, authority figures, offender. There is a jaded view by all involved, which truly hinders real change. This jaded view happens because so many have seen and heard the same thing over and over again to the point of *ad nauseam*...

Perception, regardless of its factual basis, becomes reality and reality becomes little more than an expression of a misperception.

How do we get off this faulty and misguided merry-go-round? I believe there is one significant way: greater communication between all parties with an understanding that in the sharing of life issues, they won't simply be "recorded in the system" without ensuring there has been agreement (for the most part) on what was actually shared. There needs to be a 'level ground of standing', where all parties are seen as being equal in their sharing and of equal value.

Is the above an "easy change"? No, no and no. The alternative, though, is a continuation of what we have, 'us against them', which is not healthy and further widens the gap in seeking healing and wholeness. So, we begin by placing opportunities for more communication before the trouble even starts, safe places where those at risk can seek help in individual and group gatherings. If the person misses this opportunity and gets into trouble, then we still continue inside. The more 'aware' interaction we have with each other, the more we will realize "we are more alike than different"! More alike than different. This concept can be very challenging but ultimately I believe it can be comforting as we look at each other with 'new eyes'. 'New eyes' offers new hope and a willingness to meet each other on 'new ground'.

Looking at the "system" to change, is truly shirking our personal duties and responsibilities to help one another. In my years of ministry as a Chaplain, the greatest opportunity for change of perception and consequent reality came through getting to know each other. This was true of parole officer, guard, inmate and any others...

The mantra "be the change" is the challenge I leave with each of us. Then and only then will our "system" change. "Walk a mile in my shoes" is a wise saying. The "six degrees of separation" we hear about should be a challenge and recognition of how closely bound we are to one another. Let us each work toward 'walking with each other, getting to know each other', so as to be a support that resonates with wholeness and healthy living.

It is my hope that perception and reality will walk "hand in hand" and bring healing.

Change is possible. Let it begin with me...

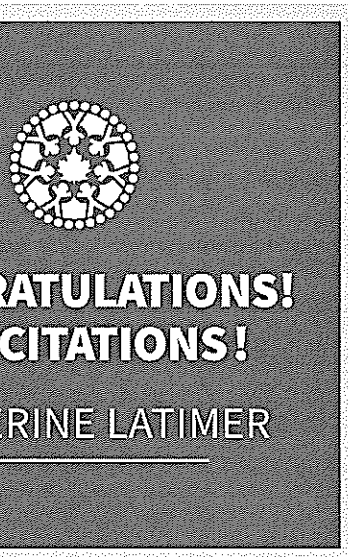
Shalom
Leon Remus ■

RÉSUMÉ

Perception vs. Reality: Change Is Possible. Let It Begin With Me!

REVEREND LEON REMUS

Plutôt que d'espérer que le système de justice pénale change, essayez d'adopter comme mantra que «vous soyez le changement». Un sage dicton dit: «Marchez un mile dans mes souliers». Cela ne sera possible que si l'on apprend à connaître l'autre. Si les agents de libération conditionnelle, les gardiens de prison, les détenus et autres parties prenantes du système de justice apprennent à se connaître, les perceptions vont changer et, de ce fait, la réalité. Alors et alors seulement notre système changera-t-il.



WE ARE VERY PLEASED TO ANNOUNCE THAT CATHERINE LATIMER,
Executive Director of the John Howard Society of Canada, has been inducted into the Order of Canada.

Catherine has made a huge difference in the lives of thousands of youth through her work on the YCJA.

L'ACJP FÉLICITE CATHERINE LATIMER,
directrice générale de la Société John Howard du Canada, pour sa nomination à titre de membre de l'Ordre du Canada.

Mme Latimer est reconnue pour avoir eu une influence importance sur la vie de jeunes par le biais de son travail sur la LSJPA.

Barriers to Education: Ongoing Issues/Challenges – Perspectives from Federal Offenders

TERRY C. KOSTIW
The author has worked as a probation and parole officer, a correctional officer for over the past three decades as a professor of criminology, criminal justice and corrections at Sheridan College.

This research note provides an overview of barriers to a formal education that exist disproportionally for the criminal offender population—before, during and after incarceration. The aim of this research study was to hear directly from offenders on statutory release about their educational experiences. The survey questions focused on the perceived impact of educational attainment, or lack thereof, on their lives and what barriers they may have experienced. Their thoughts on future directions that may reduce the challenges of furthering one's education were also solicited. While the correctional/criminological literature clearly informs us as to the negative correlation between a limited formal education and crime, the offender population in Canada remains quite disadvantaged; yet, despite efforts on the part of the federal and provincial correctional systems to address this concern, progress has been slow. Kostiw discusses educational roadblocks from an offender's perspective and offers important implications for policy.

For decades, most offenders have been arriving at federal and provincial institutions with formal education levels far below the national average. This is not so surprising, given the personal and structural barriers and disadvantages that many people who become offenders experience; however, what remains disconcerting are the hugely disproportionate numbers of offenders leaving the penal system not much further ahead. According to Correctional Services of Canada "approximately three quarters of federally sentenced offenders present a need for educational programing" with "approximately seventy-five percent of offenders admitted to federal custody reported that they did not have a high school diploma or equivalent" (CSC, 2015). This is in stark contrast to about 20% of the Canadian general adult population who do not have a formal high school education. "Upon arrival to penal institutions roughly 65% of offenders test at an academic completion level of lower than Grade 8 and 82% lower than Grade 10" (Sharp & Curwen, 2012).

The correctional literature is replete with studies informing not only on the correlation between lack of education and offending in the first place, but on recidivism vs. successful reintegration into the community. In addition, an adequate formal education helps to address the underlying issues of self-worth and self-esteem issues experienced by our offender population (Sharpe, 2012). It has been suggested that "most offenders suffer not from a lack of intelligence but a lack of opportunity" (Dean 1996). Literacy levels for most offenders are far below acceptable standards, yet enrolment in literacy programming, where available, is quite low (CSC Forum on Education 2015).

Barriers to education and crime: a survey

This article offers an abridged literature review as well as the perspective of federal offenders elicited through a survey to fathom the link between education and criminality and to better understand the barriers to education before, during and after incarceration. The survey sample group consisted of 41 federal male offenders, 18 years and older, currently on statutory release at St. Leonard's Place, Peel, a community residential facility in Brampton, Ontario. The study consisted of unstructured

qualitative interviews with the 41 participants as well as a number of current practitioners (anecdotal but important). Drawing on the survey responses and accounts of experiences with education, this illustrates the personal and structural barriers the offender population continues to encounter while navigating the education system. In so doing, this research aims to open a much-needed discussion on how federal and provincial policies and practices could be improved to better accommodate the needs.

The subjects were 18 years or older. They identified as White (54%), Black (17%), South Asian (12%) and 17% other racial backgrounds. The majority had attended schools in the Greater Toronto Area and throughout Ontario (74%). Their education levels ranged from less than Grade 8 to some university, with most participants (over 50%) having less than a grade 12 education at the time of the survey. In addition, over 71% were unemployed and about 75% had served at least 4-6 years in jail. The main source of survey data used in this article consists of twenty-four open- and close-ended questions that took participants approximately an hour to complete. The survey consisted of four sections: Background and Demographics, Criminal Justice Experience, Educational Experience, and Education-Future.

Survey Data

Criminal Justice Experience: Six participants reported only one criminal conviction (15%). Another (15%) reported 2-3 criminal convictions, and the majority reported 4 or more convictions (66%). When asked, "do you feel that your education, or lack thereof, had an impact on your criminal behavior?" a significant number of respondents (42%) said "yes", (54%) said "no", and (4%) were not sure. When asked "Did you participate in any formal educational program while in jail", (64%) agreed and (36%) did not. Finally, regarding an opportunity to "upgrade education" (22%) said they were given an opportunity with (45%) reporting no such opportunity.

Educational Experience: Most participants attended school in the Greater Toronto Area or a small town in Ontario. About (60%) described their school experience as positive, (30%) as poor and the remainder as neither poor nor good. About (30%) advised that they were diagnosed with a learning disability. On the issue of "barriers, obstacles, problems" while pursuing an education, the participants reported the following issues: No real home – (31%), No parental guidance-(34%), Substance abuse – (51%), Mental health issue – 30%, Learning disabilities – (30%) Negative peer influence – (49%). All the above – (12%), None of the above – 10%. When asked whether furthering their education on the inside and in the community was realistic, (63%) agreed and most of the remaining participants disagreed. (Age was mentioned as a factor and lack of internet access).

Education /Future: When participants were asked if they would be interested in furthering their education (66%) said "yes", (31%) said "no". Most participants felt that furthering their education was realistic (71%) with (63%) reporting it was important to them. Interestingly, (78%) agreed that more schooling would help them on the employment front. When asked about perceived barriers to furthering their education the following reasons were collected: financial (49%), having a criminal record (22%), past education (22%), other reasons (age = 12%), 56% of the participants also reported no access to a computer.

Finally, on the question of upgrading/attending post-secondary, the clear majority were interested in upgrading (63%), identifying English/Math upgrading as a priority.

Survey Analysis/Results

Not surprisingly, a high proportion of the participants (about 70%) reported achieving a less than Grade 12 formal education, considerably below the Canadian adult average of approximately 20%. Based on anecdotal evidence, this is consistent with inmates currently within the provincial correctional system. Many of the participants felt that a lack of educational attainment adversely affected their life circumstances, including entering the criminal justice system. While the majority (64%) of those surveyed reported participating in correctional educational programs, of concern is that an even greater majority reported a less than Grade 12 diploma or equivalency at the time of the survey, which was undertaken after release from prison. About one-third reported diagnosed learning disabilities. A large proportion of participants identified barriers/obstacles to learning, including a difficult home environment/ the lack of guidance, substance abuse, mental health issues, learning disabilities and negative peer influences. What is interesting to note is the value that most participants placed on educational attainment and their desire to advance their education. English and numeracy skills are an apparent self-identified priority. Significantly, less than half of those surveyed reported regular access to an updated computer. Anecdotally, several participants advised that their own criminal victimization had an adverse impact on educational attainment due to the "loss of self-esteem", "low confidence levels" and "poor role models".

On the importance of an adequate education: an abridged review of the correctional literature

The negative correlation between education and crime is no secret. It is widely accepted that a higher level of education generally leads to a higher quality

> *"Every year, thousands of Canadian students make the life-altering decision to drop out of high school. In low-income communities across Canada, the high school dropout rate can reach up to 50%, taking a dramatic toll on our communities, our health and justice systems, and our economy".*
>
> Pathways to Education, 2017

of life and contributes to good citizenship. In Canada, the average education level of federal offenders upon admission to custody is less than Grade 8 with approximately 75% of offenders admitted to federal custody reported they did not have a high school diploma (or equivalent) (CSC, 2015). In Canada, the majority of offenders admitted to correctional facilities have very low education levels.

Barriers to education before offending

The scientific literature informs us that "schooling significantly reduces the probability of incarceration" (Lochner and Moretti, 2003) and that prison education programs can (thus) reduce crime significantly (Science Daily, 2011). We also know that most jobs in Canada require a high school diploma at minimum and that affording the offender population realistic educational opportunities is a proven, cost-effective approach to rehabilitation (CSC 2015 p. 33).

Despite this and even though educational programming is a high priority within federal correctional facilities (CSC 2015 - Forum), most offenders exit the justice system with less than a high school education and find reintegration even more of a challenge as a result. "If inmates are to be successfully reintegrated, corrections must address the major challenge posed by the relatively limited participation of inmates in literacy training. The evaluation also recommended that CSC increase offender literacy levels from elementary to high school levels of education, and identify and accommodate the needs of offenders with learning disabilities." (CSC 2015 - Education). Research has clearly documented the problem of under-enrolment, which plagues far too many prison educational systems" (CSC Forum on Correctional Research 2015).

> *According to a recent U.S. study, "the nation could save as much as $18.5 billion in annual crime costs if the high school male graduation rate increased by only 5 percentage points".*
>
> Alliance for Excellent Education 2013

Slipping through the cracks

The majority of those who become clients of the criminal justice system "slipped through the cracks" of the public educational system. There are multiple reasons. Our criminal justice system is overrepresented with people who experience poverty, unemployment, homelessness, substance abuse, mental health issues, learning disabilities, labelling, etc.—factors that may have influenced their ability to succeed within Canada's public education system. For example, "children exposed to domestic violence were more likely to have difficulties in school, score lower on tests, exhibit aggressive and antisocial behavior, as well as be depressed, anxious, and show slower cognitive development" (Lean and Colucci 2010, p. 25). However, there is evidence to suggest that many risk factors, with appropriate resourcing, can be better managed.

> *A sector research report by Charity Intelligence Canada (Trypuc and Heller, 2008) notes, among other research findings, that "until the late 1980s, research labelled the drop-out epidemic as a 'bad kid' problem, but more recent research has shown that good schools produce successful students regardless of family or personal characteristics..." (Trypuc and Heller, 2008). In addition, the report shows that "one-third of all high school drop-outs can be prevented by effective intervention before the young age of 9" (Roderick, M. 1993) and that "half of all drop-outs are identified... by Grade 7".*
>
> Curran Neild, Ruth, and Balfanz, R.
> Charity Intelligence Canada

Pathways to Education program

Pathways to Education is an example of a highly successful community program in Ontario addressing some barriers to education experienced by low income youth. "Since 2001, Pathways to Education has been recognized for its track record on producing outstanding results:

- ▷ Average youth participation rates of more than 80%
- ▷ High school graduation rates have increased by an average of 85% in communities where the Pathways Program is offered
- ▷ 74% of students who graduated from high school while in the Pathways Program have gone on to post-secondary education or training
- ▷ The Pathways Program generates a $24 social return for every $1 invested (Boston Group)" (Pathways to Education- Building a Graduation Nation, 2017)

Barriers to education during incarceration

"Results of studies over the last two decades clearly indicate that offenders who were functionally illiterate upon entering the prison system may be successfully

integrated into society if they participate in literacy programs during incarceration" (CSC FORUM on Correctional Research). "Learning is and has always been seen as a vehicle for meaningful change in an inmate's life" (Sharpe & Curwin, 2012).

Educational programs are offered at all federal institutions and in most provincial correctional centers in Ontario; however, the high proportion of provincial inmates on remand (awaiting trial or sentencing) typically do not have the same access to educational programming. Frequent transfers between institutions presents an additional challenge, considering there is no central repository containing inmate education records. The importance that environment plays when it comes to intelligence cannot be overstated.

CSC recognizes the importance of education programs as part of the rehabilitative process. It commits resources to academically low-achieving offenders. At intake, all offenders at the federal level are tested and, for those offenders with less than Grade 10, education is considered a priority (CSC, 2015). However, many obstacles continue to exist, both individualistic and structural. As has been noted in the correctional literature, "inmates present significant challenges to educators. Poor self-concept, low levels of achievement, learning disabilities and fetal alcohol syndrome (FAS) all present serious challenges to correctional education" (JHS of Albert, 2002).

The barriers of a more structural nature include what has been described as inadequate record keeping (for education program outcomes), a lack of synchronization and user-friendly coordination of services, limited access to technology (today considered vital to learning), issues associated with identifying learning disabilities, limited opportunities for post-secondary education in many cases due specifically to financial barriers, and a lack of incentive. Yet community support in the form of cost-effective local literacy outreach initiatives and such online programs as the Northern College correspondence program can make a positive difference. In both cases, offenders benefit from these cost-effective programs. Key findings published by the Rand Corporation indicated that inmates who participated in correctional educational programs had a 43% lower chance of recidivating than those who did not-a reduction in risk of recidivating of 13 percentage points (Rand Justice, Infrastructure, and Environment, 2017).

Barriers to education upon release

Upon release from incarceration, offenders experience ongoing barriers to education ranging from self-esteem and confidence issues, financial problems, the stigma associated with having a criminal record, homelessness, mental health issues, limited community support, unemployment and a lack of computer literacy skills. Pursuing an education requires a variety of supports that don't always exist. In their comprehensive review, "Reintegration in Ontario: Practices, Priorities, and Effective Models", authors O'Grady, Lafleur & JHS present a strong argument for the importance of effective discharge planning and the interconnectedness of employment, training and education to successful reintegration.

> ***"While many releasees need re-integrative supports, they often struggle to find stable housing, employment and/or educational opportunities and access to necessary social, physical, and mental health services".***
>
> Ogrady, Lafleur & JHS 2016.

What can be done? Are there realistic, evidence-based solutions?

The benefits of educational achievement and the acquisition of literacy skills, before, during and after incarceration cannot be overstated. Education and employment, clearly correlated, are high on the scale of criminogenic needs. While educational opportunities exist at all stages of an offender's journey, the special needs and challenges offenders present remain unresolved as evidenced by the very low levels of academic achievement of this group prior to, during, and post incarceration. The social and economic costs are huge and well-documented in the literature.

Inadequate Support Systems and Pre-CSJ Barriers

First, there is an ongoing theme of inadequate support systems at the early stages of formal education, whether the issue is a learning disability, support from the home, substance abuse, or financial circumstances, etc. Yet, "research has shown, school-based mental health professionals provide a unique perspective that enables them to effectively bridge the mental health and academic sectors for students facing barriers to learning" (Lean & Colucci 2010 p. 50). Recently reported, "In one Ontario study, 80% of the youth in detention met the criteria for at least one mental disorder as outlined in the Diagnostic and Statistical Manual of Mental Disorders" (Bryant, M. & Brown, G, Toronto Star April 28, 2017). More comprehensive community supports and interventions addressing the barriers at the pre-CJS stage discussed above should be made more readily available to help address some of the existing gaps impacting on academic achievement.

Structural Gaps in Prison Programming

At the incarceration stage, while on remand in a provincial or federal correctional facility, structural

gaps continue to adversely impact educational attainment. There is a lack of synchronization of educational services for offenders who are frequently transferred within the provincial corrections system in Ontario. A large proportion of the provincial inmate population on remand has limited access to educational services. While the federal correctional system has prioritized education, especially for those who are academically low functioning, funding issues exist for those capable of and wishing to pursue post-secondary education. The inadequacies as per recording and reporting educational success data significantly limits research efforts on the outcomes of correctional educational programming. With more readily available scientific data, specifically on the effectiveness of current correctional educational initiatives within our institutions, policy and programming decisions could be better informed with the ultimate outcome being a higher percentage of offenders achieving at least a high school-level education upon release.

Discharge Planning Rarely Includes Education

Since "presently, over 95% of the Correctional Service of Canada's employability training resources are spent in institutions…, almost no funding is available for education programs after release" (JHS, 2002, p. 3). Discharge planning often does not include any comprehensive educational planning. This is unfortunate, given a perceived desire, as per the survey data, on the part of offenders to pursue education upon release. Individualistic barriers are often not addressed. Access to modern technology, such as computers and the Internet, to facilitate educational programing also remains a challenge.

Much has been researched and reported on the negative correlation between education and crime. More research is needed regarding the effectiveness of current correctional educational programs and practices and to develop practical solutions to the barriers to education that continue to disadvantage the offender population. ■

AKNOWLEDGEMENTS

Special thanks for all their insights and suggestions to the Staff and Residents of St. Leonard's Place Peel
Dr. Jessica Pulis, Criminology Professor, Sheridan College
Dr. Rory Sommers, Criminology Professor, Sheridan College
Carmine Spadafora, Professor, Police Foundations, Humber College
Dr. Terry Angle, Educational Consultant, Ministry of Community Safety and Correctional Services

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RÉSUMÉ

Barriers to Education: Ongoing Issues/Challenges—Perspectives from Federal Offenders

TERRY C. KOSTIW

L'auteur à travaillé comme agent de probation et de libération conditionnelle ainsi que comme agent correctionnel et depuis trois décennies comme professeur de criminologue, de justice pénale et de services correctionnels au Sheridan College (ON).

Cette note de recherche présente un aperçu des obstacles qui se dressent de manière disproportionnelle à l'acquisition d'une éducation formelle par la population des délinquants – avant, pendant et après leur incarcération. Le but de cette étude était de recueillir les témoignages de délinquants libérés d'office au sujet de leurs expériences scolaires. Les questions du sondage étaient centrées sur leurs perceptions de l'impact sur leurs vies du niveau de scolarité atteint ou non, et sur les obstacles qu'ils ont peut-être eu à surmonter. On a également cherché à savoir comment ils percevaient les orientations futures pouvant contribuer à aplanir les obstacles à la poursuite de leurs études. Alors que la littérature correctionnelle et criminologique nous indique clairement l'existence d'une corrélation négative entre le manque d'instruction et la criminalité, la population des délinquants au Canada demeure plutôt désavantagée. Pourtant, malgré les efforts déployés par les systèmes correctionnels fédéral et provinciaux pour s'attaquer à ce problème, le progrès est lent. Kostiw traite des obstacles à l'instruction de la perspective d'un délinquant et fait ressortir des implications importantes pour l'élaboration de politiques.

Peace Officer Safety in Alberta

DAWN RAULT & MELANIE ROCK

NOTE: Disclosure—The study upon which this article is based is funded by the Canadian Institutes of Health Research (CIHR).

Rault and Rock explore the first-ever fatality inquiry (2017) in Alberta involving the death of a peace officer (2012) within a framework of the need for a robust parallel dialogue addressing occupational health and safety concerns, including the need for mandatory training, personal protective equipment, and reliable forms of communication and intelligence sharing.

On August 10, 2012, Community Peace Officer (CPO) Rodney Lazenby was killed while investigating a complaint under the Dog Control Bylaw in the Municipal District of Foothills, just south of Calgary, Alberta. Lazenby was a highly trained and seasoned law enforcement professional who served in the military police and, for 35 years, in the RCMP. In 2006, he retired and transitioned into municipal enforcement as a peace officer (Graveland, 2012). Lazenby died at the hands of Trevor Kloschinsky, a dog owner then under investigation. Lazenby had been in contact with Kloschinsky for several months regarding complaints about his dogs by neighbors (McConnell, 2012) and had attended the property on a regular basis. Kloschinsky had also been in contact with the local RCMP detachment on 13 occasions, such as for a complaint of break and enter involving the alleged release of five of his dogs from their kennels. Klochinsky came to believe Officer Lazenby was stealing his dogs (McConnell, 2012) and hid out on his property for three days prior to ambushing Officer Lazenby (McConnell, 2012) and then driving him unconscious to a Calgary Police District office where he announced, "I got the guy trying to steal my dogs..." (McConnell, 2012, p.8).

The provincial fatality inquiry into the death of Officer Lazenby was held June 12-14, 2017 in Calgary, Alberta. This inquiry was the first involving the death of a peace officer in the line of duty in Alberta and focused broadly on issues of officer safety. Despite the fact that the inquiry will produce a final report six to nine months after the completion of the inquiry, the recommendations are non-binding. A robust parallel dialogue is therefore required to address occupational health and safety concerns. These include the need for mandatory training, personal protective equipment, reliable forms of communication that include 911 dispatch, and intelligence sharing between agencies.

Alberta's Fatality Inquiries Act: A General Overview

In Alberta, as in most provinces and federal territories, a fatality inquiry looks at the circumstances surrounding certain premature deaths. The inquiry is conducted under the direction of the Chief Medical Examiner (Alberta Justice and Solicitor General, n.d.) in a courtroom presided over by a Provincial Court judge. The inquiry makes no findings of criminal or civil liability but can issue recommendations to prevent future deaths; however, under the current *Fatality Inquiries Act*, recommendations are not binding or formally tracked by the province. Among other differences, "Alberta is the only province in which the Chief Medical Examineror Coroner has neither a prevention mandate nor the authority to recommend a public fatality inquiry. A confidential internal Alberta Justice discussion paper (obtained by the CBC under access to information legislation) characterizes the current fatality inquiry system in Alberta as antiquated and specifically mentions a failure to reduce preventable deaths (Government of Alberta, n.d.).

First Fatality Inquiry into Death of a Community Peace Officer in Alberta

The fatality inquiry into the death of Officer Lazenby was the first in Alberta to examine the death of a Community Peace Officer (CPO), but two previous inquiries-into the deaths of police officers-are arguably relevant to discussions of the Lazenby case: the Galloway and Mayerthorpe fatality inquiries.

In 2006, an inquiry was conducted into the death of Corporal James Galloway-an RCMP officer killed in 2004 by Martin Ostopovich (Ayotte, 2006), who was known to have mental illness and extreme antipathy towards law enforcement. The Galloway inquiry focused on the need for a proactive mental health system: "The most tragic aspect of the events which spawned this inquiry is the knowledge that the incident itself, and the deaths which resulted, might well have been avoided if Martin Ostopovich had received the treatment he needed for the mental illness which had taken hold of him" (Ayotte, 2006, p.14). His wife described Ostopovich as a paranoid delusional who was non-compliant with his medication, abhorred authority, and had recently spent two weeks in a mental hospital. Kloschinsky was also living with a delusional disorder, and was actively psychotic at the time of Lazenby's death (Slade, 2014). Kloschinsky was charged with first-degree murder, but was found Not Criminally Responsible on Account of Mental Disorder in 2014. Although Police and Crisis Teams (PACTs) exist in larger municipalities, they are generally unavailable in rural areas, where resources are more limited. Police and peace officers must all receive training in dealing with people experiencing a mental crisis. This training must be provided to all CPOs, not just on an ad hoc basis to certain officers in specific municipalities as is currently the case.

In 2011, the Mayerthorpe inquiry examined the deaths of four RCMP officers (Anthony Gordon, Leo Johnston, Brock Myrol and Peter Schiemann) all shot by James Roszko (Pahl, 2011), who was a known police hater like Ostopovich and had been the subject of considerable concern for the police for years (Pahl, 2011). In the Mayerthorpe inquiry, his Honour Assistant Chief Justice Daniel Pahl made nine broad recommendations on subjects ranging from threat assessments and officer equipment to information sharing (2011), such as the suggestion that officers should have had better information about the perpetrator so as to be aware of his volatile nature and extreme mistrust of law enforcement personnel (2011). Pahl also specifically suggested that each RCMP detachment have a dedicated member who acts as a threat assessment coordinator responsible for collecting and maintaining information about persons of concern. Threat assessments would include both formal information and informal intelligence, such as "...speculation, rumors and the staple of much good police work, the simple hunch" (2011, p.22). It seems logical that recommendations made in the Mayerthorpe inquiry regarding the need for a minimum standard for personal protective equipment by police officers (Ayotte, 2006, Pahl, 2011) could also benefit peace officers. In fact, officers at the Lazenby inquiry identified the need for personal protective equipment to be mandated by the province rather than left up to the discretion of each of the 280 authorized employers of peace officers. Officers were optimistic that the inquiry would highlight the risks inherent to all levels of law enforcement, and the need for a minimum standard for personal protective equipment.

Community Peace Officers (CPOs) do not have access to the Police Reporting and Occurrence System (PROS). Only select CPOs who have formally applied and been granted access to the Canadian Police Information Centre (CPIC) can use that information; yet, CPOs are often dealing with the same individuals as the RCMP under different legal jurisdiction and could benefit from the information. For example, in the Lazenby case, the 13 occurrences with the local RCMP, including Kloschinsky's complaint of break and enter made 10 days before the murder (RCMP, 2012). In addition, also during this time, Kloschinsky made such threats against the Municipal District of Foothills as "I will be ready" and "You will pay". As this information was *informally* shared between the RCMP detachment and the MD of Foothills Protective Services through email, it is not known whether Lazenby was ever apprised of the warning. It is noteworthy that at the time of the writing of this article, the RCMP were on trial on charges under Canada's Labour Code relating to the death of three Moncton RCMP officers in 2014. The charges related to member training, supervision, use of force and protective equipment, including ceramic-plated ballistic vests (MacNeil, 2015).

Where do we go from here?

The Lazenby inquiry addressed safety concerns for peace officers in Alberta and beyond. Although a final report will be issued, results will be non-binding, untracked and confined by geographical jurisdiction. Peace Officers who testified at the Lazenby inquiry stated clearly that bylaw and peace officers, like police officers, face risks in their job and need tools, training, and equipment to be mandated by the province in order to do their job safely. This should include, at a minimum, a robust operational safety training program for all officers that includes training in dealing with persons with mental health issues; reliable means of communication with co-workers, supervisors, and police, including 911 dispatch; and consistent access to personal protective equipment and defensive tools, such as vests and batons. Officers should have additional information about persons through the sharing of inter-agency intelligence. When Alberta Justice and Solicitor General, which has authority over the peace officer program and is currently reviewing the policy and procedure manual, addresses the issues that result from the current uncoordinated service system, we hope another fatality can be avoided. ■

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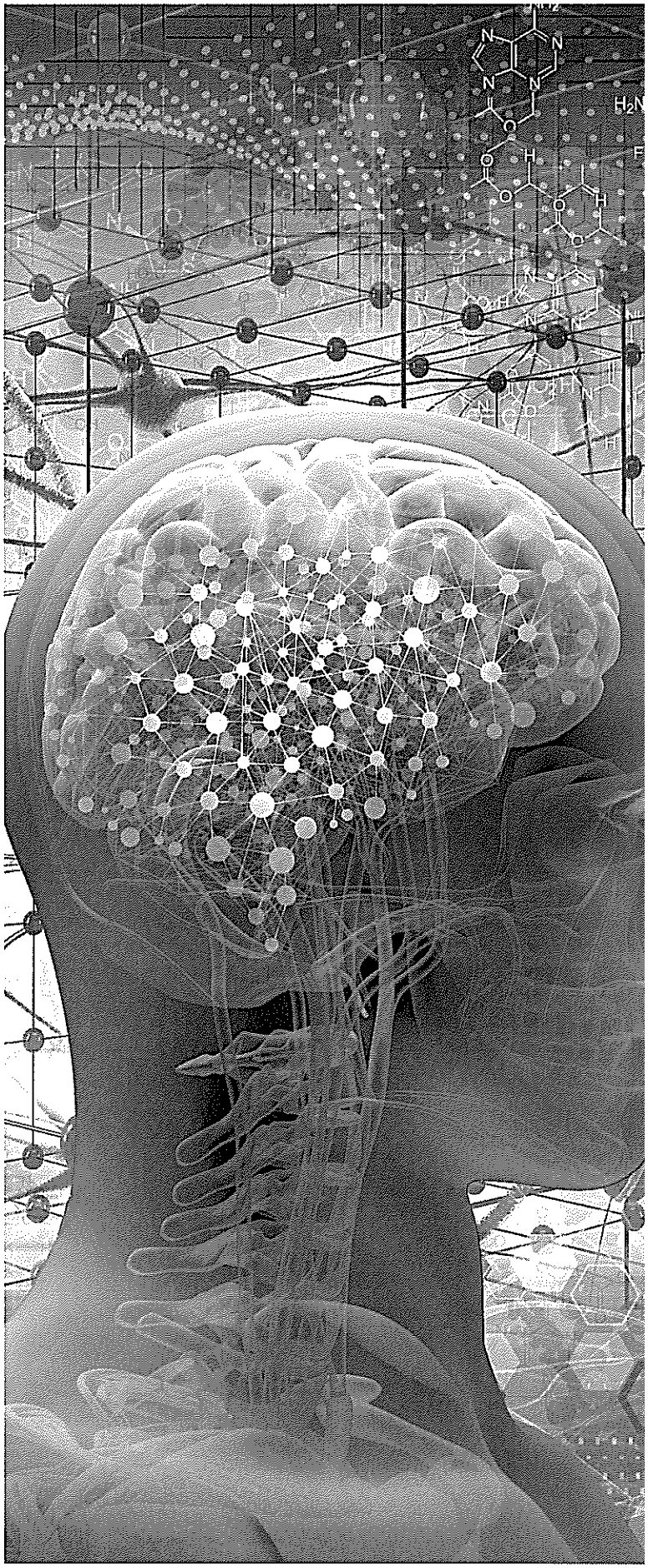
RÉSUMÉ

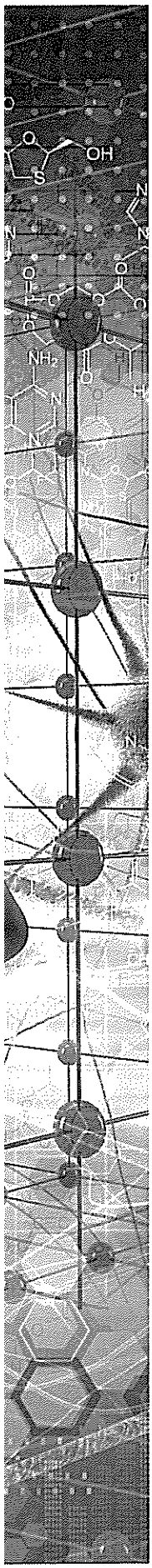
Peace Officer Safety in Alberta

DAWN RAULT & MELANIE ROCK

NOTE: *Divulgation* — L'étude sur laquelle s'appuie cet article a été financée par Les Instituts de recherche en santé du Canada (IRSC).

Rault et Rock se penchent sur la toute première enquête (2012) liée au décès d'un agent de la paix en Alberta et sur la nécessité en parallèle d'un dialogue franc sur les préoccupations en matière de santé et de sécurité au travail, incluant le besoin d'une formation obligatoire, d'équipement de protection personnelle et de moyens de communication fiables.





The Second Brain: Understanding The Behaviour-Criminality Nexus

JON FRIEL
R.Psych, Alberta

The brain/mind-behaviour relationship and the accepted use of medication for treating mental illness, make neuroscience relevant to criminology. Research into glial cells, which comprise 90% of the brain, offers a promise of 're-understanding' the mind, but has just begun. This calls for professional caution in our work practices regarding treatment and rehabilitation programs.

Answers to questions regarding the concept of the human *mind* remain elusive (Foucault, 1988; Koob, 2009). Fisher (2014) describes "a tight feedback loop... between mind and brain (p 68)", but this does not tell us much about the mind per se. Is the mind a manifestation of the working neurons, or the workings of the glial cells - or both? Is it perhaps manifested by some undiscovered brain activity, or is the mind outside the brain and its cells (Buzsaki, 2006; Fisher, 2014)?

Given the "mental health crisis in Canadian prisons" (Maclean's, 2017), these questions are vitally important to the criminal justice system. Numerous mental disorders have been attributed, generally, to neurons and their chemical/electrical functions. Only in the last few decades have researchers added glia cells to their hypotheses, and only within the past 20 years or so (Koob, 2009; Nueman, 2016) have they begun making frank statements about their importance to human learning, cognition, retention and mental disorders (Fields, R. 2011).

Recent studies show that glial cells play an "under-investigated role... in complex brain activity and animal behaviour" (Araque et al., 2010) and in human mood disorders (Birey, 2013), learning, and cognition (Fields, D. et al. 2013). Psychologists and psychiatrists, on the whole, support the use of medications with the people we treat, such as prison inmates, hospital patients and/or private clients, but are the medications we use properly researched for these populations (Boldrin, 2009)?

Glial cells—from glia, the Greek word for glue—comprise 90% of the brain (Koob, 2009), which highlights the importance of considering their function in the brain when treating human behaviour. It was long thought that the role of the glial cells was simply to insulate and connect neurons, but we now know that one type of glial cells—astrocytes—regulate the transmission of 'messages' to neurons. This means glials play an important role in the thought processes underlying behaviour, and thus in learning disabilities and such illnesses as schizophrenia and epilepsy. No longer can the brain be likened to a mechanical or electrical device or to a computer; these metaphors have become antiquated.

Biopsychosocial neuroscience research on treatment, goals and rehabilitation

The glial cells, aka the second brain, can thus be said to be important to any mental health professional working with children, adolescents or adults having mental disorders and learning disabilities. Cellular research is also important in terms of medication and rehabilitation programs targeting inmates. Biopsychosocial neuroscience research on treatment, goals and rehabilitation on the whole range of human services is in its seminal stages (Birey, 2013; Kucenas, 2014)—with Kucenas on glial cells and the central nervous system and Birey on neuropsychiatric disorders saying" 90% of the Brain could be a valuable venue for... antidepressant discovery."

The latest research on glial cells and brain function indicates a need for new research to further our 're-understanding' of the relationship between brain/mind and human behaviour. (Buzsaki, 2006; Baily, 2016;

Fisher, 2014; Rose, 2017; Siegal, 1999). Progenitors (Baily, 2016), glial cells have a complex role in the growth, development and function of neurons (Fields, D., 2014; Fields, R., 2011) and this affects behaviour and may skew the impact of 'traditional' medications. As Brynes pointed out as far back as 2001, we need to **rethink** by way of theory, science and research—and thus (for us, treatment and rehabilitation)—the interrelationships between different disciplines, such as neurology, psychiatry, pharmacology, education, psychology, penology, sociology and/or criminology.

To answer Foucault (1988), Buzsaki (2006), Koob (2009), and Fisher (2014) then, we do not know that much about the complexity of the brain/mind—and this calls for **professional caution** in our work practices regarding treatment and rehabilitation programs, whether in residential child and adolescent care, or in our federal and provincial prisons. ■

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RÉSUMÉ

The Second Brain: Understanding the Behaviour-Criminality Nexus

JON FRIEL, R.Psych, Alberta

Le rapport entre le cerveau/l'esprit et le comportement et l'utilisation acceptée de médicaments pour traiter les maladies mentales fait en sorte que la neuroscience est pertinente dans le domaine de la criminologie. La recherche sur les cellules gliales, qui constituent 90 % du cerveau, est prometteuse en ce qui a trait à une nouvelle compréhension de l'esprit, mais celle-ci ne fait que débuter. Cela appelle à la prudence professionnelle dans les pratiques de notre travail en ce qui a trait aux programmes de traitement et de réadaptation.

Innovative Interventions at Williams Lake, British Columbia

SARAH JACKMAN
Executive Director, Punky Lake Wildnerness Camp Society (PLWCS)

This article informs on a creative response to socio-historic and economic factors that foster the adoption of a criminal lifestyle by youth—a program called Innovative Interventions, conceived and administered by the Punky Lake Wilderness Camp and Society (PLWCS) in partnership with Toosey First Nations Band, RCMP Community Policing, Youth for Christ and the Williams Lake Community Council for Restorative Justice (WLCCRJ) to benefit the Cariboo Chicoltin (Williams Lake) region of British Columbia. The program is held at the Old School Training and Recreation Centre and offers innovative and flexible employment- and life-skill mentorship programming for certain offenders and short camps stays for at-risk youth of all ages. Staff members include an Auxiliary Police Officer (also Project Manager and Economic Development worker for the Toosey First Nation), an Administrative and Program Support Worker, a local Elder, and a Youth Pastor from a local church who also works as the contractor and serves as both supervisor and mentor along with support from both the community and PLWCS staff. Funded through the Community Safety and Crime Prevention Branch, Innovative Interventions delivers employment skills and develops self-esteem for youth through sanctioned hours spent at an abandoned elementary school in 'Chilcotin Country'. Not all youth at Old School are on probation or fulfilling community service hours, some clients come from Restorative Justice forums and from community referrals or self-referrals. Proactive camps for all ages of high-risk youth are also available.

Several factors converge at Williams Lake (BC) to foster a population of young people at risk of engaging in a criminal lifestyle. In response, the Punky Lake Wilderness Camp Society (PLWCS) has established the Innovative Interventions program at the "Old School Training and Recreation Complex" in partnership with Toosey First Nations Band, RCMP Community Policing, Youth for Christ and the Williams Lake Community Council for Restorative Justice (WLCCRJ). Funded through the Community Safety and Crime Prevention Branch, Innovative Interventions delivers employment skills and develops self-esteem for youth through sanctioned hours spent at an abandoned elementary school in 'Chilcotin Country'. Not all youth at Old School are on probation or fulfilling community service hours, some clients come from Restorative Justice forums and from community referrals or self-referrals. Proactive camps for all ages of high-risk youth are also available.

Some Facts about Williams Lake, B.C.

- **One of the most impoverished areas of British Columbia.**
- **Consistently ranked between one and three on the StatsCan National Crime Severity Index.**
- **Levels of both violent crime and property crime are much higher than national averages.**
- **Unemployment rates are very high among Aboriginal residents, and education levels are very low.**
- **High rates of drug/alcohol abuse and suicide for the Aboriginal population are largely believed to be related to the history of inter-generational trauma resulting from the former Williams Lake (aka Cariboo or St. Joseph's) Indian Residential School, which operated from approximately 1860 to 1981.**
- **Three Aboriginal gangs are very active in the area, reaching beyond the borders of Williams Lake into surrounding First Nations communities.**

These factors collide in a perfect storm that fosters a population of young people at risk of engaging in a criminal lifestyle and desperately in need of acceptance and protection, making the gang lifestyle seem appealing. A gang will recruit those who have no friends or family support by making them feel included, important, and less alone. Such youth are already at risk of living a criminal lifestyle.

Williams Lake is a relatively small city, and there is some degree of racism towards/fear of First Nations people. In some cases, a familiar or 'notorious' last name can be enough for a young person to have their job application not considered—due to public perception of their family, and this adds to the temptation of gang involvement in order to make money selling drugs and for the reasons mentioned above.

Innovative interventions program at the Old School Training and Recreation Complex

PLWCS conceived the project after hearing about renovation work being done at an abandoned primary school 40 minutes away from its Williams Lake office. Quickly recognizing the potential for a program offering restorative justice options, PLWCS got the support of the Old School project manager and held meetings with Youth Probation, the RCMP, the Toosey First Nation, and local restorative justice facilitators. All agreed the idea of being able to fill sanctioned RJ and probation community service hours and provide meaningful mentorship and skill development to youth at risk would be an invaluable contribution to social justice for the young people that we serve and their communities.

Old School for sanctioned hours

A work-mentoring program entitled Innovative Interventions delivers employment skills and develops self-esteem for youth through sanctioned hours spent at Old School in 'Chilcotin Country', which has been developed into a training centre by the Toosey First Nation.

Not all youth at Old School are on probation or fulfilling community service hours

Some youth come to Old School merely at the suggestion of their probation officer that it is something that may be good for them, to help further them along. Other clients come from Restorative Justice forums and have received sanctions that do require them to fulfill community service hours in order to complete their file. Others can even be community referrals or self-referrals. On the Punky Lake staff, we have two youth workers and a probation support service worker that can stay in contact after they leave the program to make sure that their needs are being met, or to see if they want to re-join the program or attend any of the other programs that we provide, such as our camps.

Camps for all ages of youth

We provide a variety of camps through the year, for all ages of youth. Most of the youth that we work with can be considered high-risk, so our goal has become to expose them to as many positive experiential activities as we can, in hopes they find something that sparks an interest or awakens a passion in them. The camps range from wilderness camps, youth and Elder culture camps, hockey and soccer camps and horsemanship camps. In most of these situations, the youth camp out with Punky Lake staff for 3-5 days. All programs also include an element of culture and life skills. By focussing on the younger children, before crime has become a part of their lives, we can hope to circumvent the urge to drift to that lifestyle. And by targeting the older youth, we can expose them to a variety of experiences that may help them to discover

something that was missing from their lives (culture), or a talent they didn't know they had.

We are seeing an increase in attendance at these camps and also an increase of use of the other services we provide such as restorative justice and peacemaking circles.

Old School partnership & funding

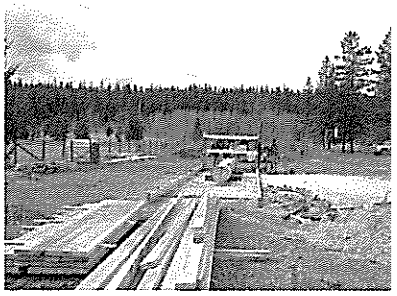
The Innovative Interventions program now in place at the Old School Training and Recreation Complex is the result of partnership between the Punky Lake Wilderness Camp Society (PLWCS), Toosey First Nations Band, RCMP Community Policing, Youth for Christ and the Williams Lake Community Council for Restorative Justice (WLCCRJ). It is funded through the Community Safety and Crime Prevention Branch.

Staff members at the facility include an Auxiliary Police Officer (also the project manager and Economic Development worker for the Toosey First Nation), an Administrative and Program Support Worker, a local Elder, and a Youth Pastor from a local church, who also works as the contractor renovating the building and serves as both supervisor and mentor to the youth involved, with added support from both the community and Punky Lake Wilderness Camp Society staff.

Immediately following the conception of the Old School project, we started receiving requests and referrals by youth workers, community leaders, youth probation, and RJ facilitators and began sending youth out to the facility. At this point, we had no funding, so a proposal was made by PLWCS to the Province of British Columbia Civil Forfeiture Office, Victim Services and Crime Prevention Division, Ministry of Justice. In 2015, we were awarded a grant for $10,000. The following year, after seeing the success of the project, we were successful in applying for and receiving $20,000 from the same Ministry. Some additional funds have also been supplied by the First Nations Health Authority. There is no permanent funding for Innovative Interventions, but we have maintained sustainability so far.

Old School Programming for At-Risk Youth and Offenders

By targeting at-risk youth through short camp stays and those already entering into the criminal justice system through sanctioned work periods, we can start to prevent the urge to turn to crime as a way of life by making better, more self-fulfilling options available and accessible. The sanctioning of young offenders to attend programs at the Old School not only lets them give back and repair some harm for what has occurred through service hours spent renovating and expanding the facility but sees them gain employable skills (carpentry, painting, drywall, janitorial experience, landscaping, gardening, painting). Most recently, the purchase of a sawmill offers opportunities for learning how to mill raw lumber. Safety equipment is provided and mandatory for these well-supervised groups.



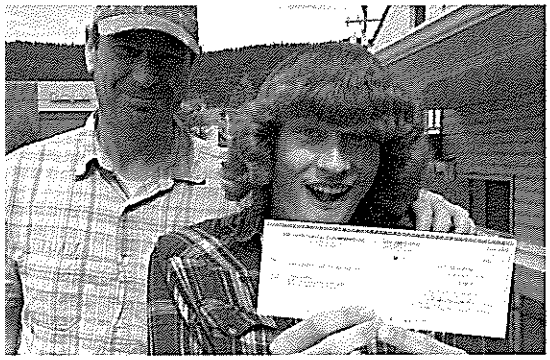
Positive outcomes at Punky Lake Wilderness Camp Society Old School Project in B.C.

One outcome we did not expect was participants wanting to continue on with the facility even though their sanctioned time had been fulfilled. As one youth at Old School said to me, "I don't want to quit. I've been working on some really cool projects and I want to finish them. Can I keep coming?" He was allowed to continue and eventually was hired by the Old School as a labourer. He is pictured above receiving his first-ever paycheque. He has since left the program, re-enrolled in the alternative school in Williams Lake, and is working towards graduation.

Punky Lake has added bunk beds to the facility, so that if transportation becomes an issue, the youth are able to stay on site. Sanctioned hours at Old School are well-spent, affording participants with professional work references and a sense of self-worth that fosters their pursuit of employment and self-betterment. Part of their learning also includes such daily life skills as meal preparation and general housekeeping. Once we realized that many of the youth had next to no basic life skills, the program and budget were adjusted.

The youth are given strict instructions on when they will be expected to be at the facility and make arrangements to drive out with the contractor/mentor. This gives them a chance to get to know each other and do some bonding before the work begins. These discussions help inform his decisions on what tasks are most appropriate for the youth.

The programming is adjusted on a client-by-client basis. Some of the youth come out three times a week while others only come for one or two. Various other factors also come into play as regards this personalization of services. With some, we've found the need to start slow, to build up trust and to let them see that it isn't a scary place to be. Also, some of the youth are not mentally able to commit to a regular schedule and are still dealing with addictions and other issues. The clients remain living at their current residence and are picked up by facility staff in the morning to ensure attendance. They are then driven out to the "Old School" to learn what activities or renovations they will be taking part in that day.



"I would still be living on the streets if it wasn't for the Old School."
Interview with The Williams Lake Tribune, June 9, 2016

The Elder on site will occasionally offer a sweat lodge to the participants as well, if that is something that they are interested in taking part in. Elders are important to the project, building a culture of accountability and providing mentoring where needed. There are no structured therapy sessions, if the youth wants to talk about some of the issues they are facing- they know that staff is always willing to listen and advise. Mentorship is also a by-product of simply working side-by-side with the staff and being in a healthy environment. These aspects really seem to make the difference in improving self-worth and attitudes. The youth are in charge of making their own lunch and for clean up. At the end of the day, they are taken back home with instructions on when they will be attending again. Follow-up calls are made to remind them, as many of the youth we deal with have FASD or other developmental disabilities that make it difficult to retain information.

In the Cariboo Chilcotin region of British Columbia, there are 3 active Aboriginal gangs. The **712** (based mostly out of the Anaham Reserve and named after the first 3 numbers of their status cards), The IO (Indian Outlaws, based mostly out of Soda Creek Reserve), and the CRW (Chilcotin Rebel Warriors, is a bit of a hybrid of the two, made up of individuals that didn't quite "fit in" with the other two). The conflicts began with territorial and familial arguments, but soon moved into drug dealing, human trafficking, and violence—eventually leading to the deaths of several members from the two larger gangs. For a relatively small city such as Williams Lake, this caused a great deal of fear for local residents and continues to do so to this day. Crimes and gang issues like this fuel the fire to existing racism and other social repercussions.

Many of these gang members are on the list of the Prolific Offender Management team. The POM meets monthly to discuss which offenders are at the highest risk of offending, and also of becoming a victim at the hands of another. Discussions are also had about where they are currently residing, if its known, what their current actions and offenses have been recently, and whether or not we can identify anyone that may be at risk by being in contact with this person. Each offender is assigned a police officer that remains in close contact with them, not necessarily for supervision, although that is often needed, but also to offer supports and services. The POM team is made up of police officers and commanders, probation management and staff, mental health, social assistance, and service providers, such as PLWCS.

The Innovative Interventions program is accepting of individuals who are willing to participate. Most are so absorbed into the gang lifestyle, they are not looking for any other support, but it does happen. Explicit care must be taken to ensure that we have "compatible" individuals participating in the program at the same time.

We also must ensure against opposing gang members working at the same time and that any young women are safe as regards the other participants, etc. So far, we haven't had any issues with conflict between youth employees at Old School; they tend to get along quite well. For participants deemed either a prolific offender or extremely high-risk, PLWCS has a community meeting with the Toosey Chief and Council and Old School staff to discuss whether or not they are willing to take such high-risk people into their community. The offender is included in that meeting and must express why he/she wants to be a part of the program and personally ensure that he/she will participate with honesty and good intentions.

Self-Referral: A Case in Point

One individual contacted me at my office a few months ago and expressed how his lack of education, inability to read, and negative peer groups had influenced his behaviours. This young man had been involved in several offences and was very well known to police. He self-referred, calling my office looking for options. A close friend of his and fellow gang member had been killed in a shooting not long before and he was scared that he was going to end up with the same fate. So, we agreed to meet at my office and we had a long talk which concluded with him telling me, "I'm not a bad person. I just do stupid stuff. And I have stupid friends." He needed a way out, so we began sending

him out and getting him engaged with some positive adult role models and teaching him some skills. It wasn't a smooth road for him, but he put in as much effort as he was able. At the conclusion of his time there, he continues to keep in contact with PLWCS staff and request help when its needed. He has also recently completed a forest fire fighting training course and is hoping to find employment with the forest service this summer. ■

YOUTH STATS

It costs, on average, $95,826.37 to imprison a young person for a year. That money could be used to fund a full year's worth of recreational activities and equipment for over 50 youth. Recreation provides opportunities for youth to form positive relationships, build self-esteem and develop valuable skills; all benefits that help reduce their risk of becoming involved in crime ("The Cost to Incarcerate Youth" – October 2006, Canadian Parks and Recreation Association).

"The Cost to Incarcerate Youth" – October 2006, Canadian Parks and Recreation Association.

111 Canadian studies on the effects of criminal justice sanctions found that harsher punishments do not deter repeat offences. In fact, harsh punishment led to a 3% increase in recidivism among all groups of offenders, including youth.

Statistics Canada – "General social survey-Criminal Victimization" September 2006.

Aboriginal youth make up 5% of the youth population in Canada, however, they make up 22% of total youth admissions to remand, and 25% of the total youth prisoner population.

"Behind Bars in Canada" 2006.

Aboriginal females accounted for 44% of female youth admitted into the corrections system, whereas Aboriginal males accounted for 29% of male youth admitted.

Statistics Canada – "Youth correctional statistics in Canada 2014-15".

The *Youth Criminal Justice Act,* enacted in 2003, is the legislation that governs how youth aged 12-17 years are to be dealt with by the Canadian justice system. The Act provides for a separate youth justice system that is meant to protect the public while holding young persons accountable in a manner that is *proportionate to their level of maturity and the seriousness of the offence.* The Act mandates that every period of custody should be followed by a period of community supervision to assist youth in their rehabilitation and reintegration.

Statistics Canada – "Youth correctional statistics in Canada 2014-15.

RÉSUMÉ

Innovative Interventions at Williams Lake, British Columbia

SARAH JACKMAN
Directrice générale, Punky Lake Wildnerness Camp Society

Cet article traite d'une réponse créative aux facteurs socio-historiques et économiques qui favorisent l'adoption d'un mode de vie criminel chez les jeunes ainsi que d'un programme intitulé interventions novatrices [*innovative interventions*], conçu et géré par la *Punky Lake Wilderness Camp and Society* (PLWCS), en partenariat avec la Bande des Premières Nations de Toosey, la Section des services de police sociopréventifs de la GRC, le mouvement Jeunesse pour Christ et le conseil communautaire de justice réparatrice de Williams Lake [*Williams Lake Community Council for Restorative Justice* (WLCCRJ)] au bénéfice de la région *Cariboo Chicoltin* (Williams Lake) de la Colombie-Britannique. Ce programme est offert au *Old School Training and Recreation Centre* et comporte une dimension novatrice et souple de mentorat axé sur l'emploi et les compétences essentielles à l'intention de certains délinquants, de même que de courts séjours au camp pour des jeunes à risque de tous âges. Les membres du personnel incluent un policier auxiliaire (qui est également le gestionnaire de projet et l'agent de développement économique de la Première nation Toosey), un agent administratif et au soutien des programmes, un Ancien issu de la collectivité locale ainsi qu'un pasteur pour les jeunes émanant d'une Église locale, qui oeuvre également comme entrepreneur et, à la fois, comme superviseur et comme mentor avec l'appui et de la collectivité et du personnel de la *Punky Lake Wilderness Camp and Society* (PLWCS). Financé par le truchement de la Direction de la sécurité communautaire et de la prévention de la criminalité, interventions novatrices offre des habilités de travail et contribue au développement de l'estime de soi des jeunes dans le cadre d'heures sanctionnées passées à une école élémentaire abandonnée du *Chilcotin Country.* Tous les jeunes de la vieille école ne sont pas sous le coup d'une ordonnance de probation ou à compléter des heures de travaux communautaires; certains proviennent de forums de justice réparatrice, sont recommandés par la collectivité ou se présentent d'eux-mêmes. On compte aussi des camps proactifs pour tous les âges de jeunes présentant un niveau de risque élevé.

Punky Lake Wilderness Camp

Founded in 1998 as a not-for-profit society mandated to provide Tsilhqot'in aboriginal justice and social services programming to youth, family and community, Punky Lake Wilderness Camp Society (PLWCS) primarily serves the Tsilhqot'in and Southern Carrier communities of the Cariboo-Chilcotin region of British Columbia.

Traditional cultural values, healing and support methods are enshrined in PLWCS Innovative Interventions, including in-community and camp programs for crime prevention (diversion and alternative measures) and healthy development and sports programs for Tsilhqot'in aboriginal youth and families.

PLWCS's holistic approach incorporates the medicine wheel as a philosophic base for its community work within the camp programs and its community development strategy supports communities through a number of initiatives and training opportunities for youth, adults and elders.

Tsilhqot'in Restorative Justice (TRJ) is a federally funded PLWCS Indigenous Justice Program that extends RJ peacemaking circles to the urban centre and Nation. With its office at Williams Lake and camps in Chilcotin territory, PLWCS also invites participation from First Nations youth from other areas and non-First Nations youth.

Wrongful Convictions in Canada: a Focus on Aboriginal Offenders

CHEYENNE ESMOND
Undergraduate, University of Regina

Cheyenne Esmond explores wrongful convictions in Canada within a framework of a troubled justice system, pointing out that one cannot look at this issue without also probing the role race and ethnicity and the role police, juries, judiciaries and the crown play in wrongful convictions. Esmond shows how history repeats itself with respect to cases ranging from over a century to three decades ago and that, generally, "eyewitness error, professional misconduct, false confessions, erroneous forensic science, the use of jailhouse informants, and racial bias" figure prominently (Denov & Campbell 2005). In addition, the author illustrates that wrongful convictions undermine public confidence in the justice system.

Wrongful convictions undermine public confidence in the criminal justice system by throwing its legitimacy into question (Rosen, 1992). There are currently 94 cases under review by Innocence Canada (an organization that was the direct successor of the Justice for Guy Paul Morin Committee, which had been in operation since 1993). 37 of these include first-degree murder charges, 31 include second-degree murder charges, 11 include manslaughter charges and 15 include other serious offences such as sexual assault and assault causing bodily harm (Innocence Canada, 2015). Innocence Canada has secured 21 exonerations for those wrongfully convicted by our Canadian criminal justice system. Innocence Canada relies on volunteer lawyers, Case Management Counsel and the Canadian Case Assessment Group (CCAG) (Innocence Canada, 2016). When an individual brings their case to the attention of Innocence Canada, they must undergo an extensive review process that identifies support for the applicant's claim (Innocence Canada, 2016).

Department of Justice Canada estimates they receive approximately 30-wrongful conviction complaints every year (Rudin, 2005), yet it is almost impossible to determine the exact rate of wrongful convictions due to ambiguity. That said, it is almost impossible to determine the number of wrongful convictions because of the ambiguity in the definition of a wrongful conviction (Roach, 2011). Judges, juries, police and the Crown all play a role in individuals being wrongfully accused, convicted and eventually sentenced, as do witnesses.

DNA helpful but not infallible

It is understandable then that the margin of error in wrongful convictions today is lower than in the past. It wasn't until 1985 that deoxyribonucleic acid (DNA) fingerprinting techniques were used in the United Kingdom to compare evidence between victims of a rape and a murder that took place three years apart (Hirby, 2017). It wasn't until 1983 that the Canadian criminal justice system used DNA evidence—in the landmark case of Donald Marshall Jr., who was exonerated for the murder of Sandy Seale. Even as late as 1994, when DNA testing had already been used in cases, there were still major miscarriages of justice in cases where DNA testing was not used. It is noteworthy that cases such as William-Mullins Johnson, Donald Marshall Jr., and Thomas Sophonow, which range from over a century ago to three decades ago, share elements of the same errors: unreliable witnesses and flawed police and prosecution procedures (Denov & Campbell 2005). Generally, the causes of wrongful convictions include "eyewitness error, professional misconduct, false confessions, erroneous forensic science, the use of jailhouse informants, and racial bias", much the same as in the past. "Wrongful convictions do not occur because of a single error by a sole individual" (Denov & Campbell 2005).

Wrongful Convictions: 94 Cases Under Review

Of the 94 cases currently under review,78 are under the assessment process and only 16 have been accepted by Innocence Canada, which means the

Innocence Canada Board of Directors is satisfied that the individual is innocent (Innocence Canada, 2016). It is only observable that many of the cases under review are coming out of Ontario and then British Columbia. In addition, most cases regard first- and second-degree murder, which are among the most heinous of crimes (Innocence Canada, 2016). In *Miscarriages of Justice in Canada: Causes, Responses, Remedies* (2013), Kathryn Campbell points out that it is "difficult to quantify if Canada's rate of wrongful convictions has increased or decreased since the 90s" as there are likely hundreds or thousands that go unscrutinized (Geiger 2016).

ROOT PROBLEMS BEHIND WRONGFUL CONVICTIONS

Race and Ethnicity: Discrimination in the System

Research suggests that racial disparities are present in arrests, pretrial detention and sentencing and that visible minorities are highly overrepresented in the wrongfully convicted community (Denov & Campbell, 2005). Denov & Campbell also note several studies mentioning commission findings that Donald Marshall was wrongfully imprisoned because he was Mi'Kkmaw. This is a fair claim because evidence shows that the reason professionals did not carry out their duties competently was because Marshall was 'native'. In addition, Marshall was also socially disadvantaged by a lack of financial stability and this, coupled with his race, illustrates how institutionalized racism and social marginalization can contribute to a wrongful conviction (Denov & Campbell, 2005).

The Supreme Court of Canada has recognized the overrepresentation of Aboriginal people in prisons as "a crisis in the Canadian Justice System" (Rudin, 2005, p. 1). Statistics Canada confirms that Aboriginal adults account for one in four admissions to provincial and territorial prisons while representing only 3% of the Canadian population (Reitano, 2015). Although numerous factors account for the high incarceration rates of Aboriginal offenders, discrimination from the past and police and judicial decisions contributing to racist tendencies is also a prominent cause. The 1995 Royal Commission on Aboriginal Peoples, *Bridging the Cultural Divide*, concluded that "the Canadian criminal justice system has failed the Aboriginal peoples of Canada... in all territorial and governmental jurisdictions. The principle reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people" (Rudin, 2005, p. 4).

The Role of Police, Judges, Juries and the Crown

Professional misconduct on the part of judges, lawyers and the police play an important factor in wrongful conviction cases. People often immediately assign blame to police, the most visible members of the criminal justice system. The police decide who to charge, obtain evidence to support the charge and they may-intentionally or unintentionally-lose evidence, misinterpret evidence or overlook evidence (Denov & Campbell, 2005). This type of misconduct is also referred to as tunnel vision, and can be motivated by a strong belief the accused is guilty (Denov & Campbell, 2005). Research shows

that tunnel vision plays a major role in wrongful conviction cases (Wrongful Convictions Canada 2017). Other tactics used by police to obtain evidence to build a case once guilt is assumed include suggestive interviewing, identifications that may not be confident, but are supported by positive police assurance, and unconsciously mixing up the events in one's mind (Denov & Campbell).

Prosecutors are required to disclose all their evidence to the defendant prior to trial (Roach, 2011). This is done so the accused can defend their innocence and help to establish reasonable doubt. The prosecution is bound to learn about police evidence on the accused and to share it (Denov & Campbell, 2005). Inadequate disclosure has been cited as another factor in wrongful conviction. The problems of the system combine with cultural racism to make it difficult for lawyers to advise their clients accordingly. This has been known to lead lawyers to push their innocent clients to plead guilty and judges to sentence Aboriginal offenders too harshly (Roy, 2015). In the courtroom, lawyers present their findings to a judge and in many cases also a jury. Although what they can and cannot say is limited by opposing party and judicial determination, often statements are made that are to be "ignored" by jury members. However, this is sometimes nearly impossible when an unbiased decision is to be made and a jury member's opinion of the situation has been influenced. Juries also must be selected in way that is not racist, biased or oppressive, yet an all-white, all-male jury was selected in the Marshall case even though he was Aboriginal (Roach, 2011).

Finally, the top of the legal system includes the judges who determine the sentences of the accused based on evidence collected by police and presented by lawyers. It is always recommended by the Supreme Court of Canada to admit expert evidence into trials even when the expert must stray from their area of expertise (Roach, 2011). It is also suggested that judges need to actively determine a factual basis for a guilty plea, but this is difficult as judges lack education in Aboriginal issues (Perry, 2016). The establishment of fact is carried out to eliminate false confessions which surprisingly are more common than someone may expect (Denov & Campbell, 2005). False confessions typically take place in the early charge stages during police interrogations. It is the judge's responsibility to determine there is no doubt that the accused committed the crime, however, if there are other contributing factors, this decision may be skewed. Wrongful convictions should be noticed during the appeal process, and the Canadian appeal system has frequently failed to do so, as evidenced by the Mullins-Johnson case (Roach, 2011), among other.

No clear definition of wrongful conviction under the law

A review of the literature on wrongful convictions in Canada turns up very few theories and very few recommendations to remedy the issue (Roach, 2011). A large part of the problem and responsibility lies with the Canadian criminal justice system, in that there is no clear and consistent definition of what constitutes a wrongful conviction. Instead, wrongful convictions are found to be brought up under the category of "miscarriages of justice. Although miscarriage of justice is not defined in legislation it has been defined in many court cases (Roach, 2011), which adds to the limitations of this paper and the issue at large because Canadian courts are not entirely willing to admit when they may be wrong and although this is understandable, it is surprising that there are so many hoops through which one making a wrongful conviction claim must pass. This observation seems clear in that if it were easy, anyone could do it, but it is concerning because it bespeaks a legal system that believes its procedures are so concrete and criteria so strict as to make errors impossible (Denov & Campbell, 2005), while there is a good deal of evidence to the contrary.

Compensation for the wrongly convicted?

It is likely that the largest negative effect experienced by people is that of being a victim of the Canadian criminal justice system, a system designed to protect society from the 'bad' (Roach, 2011). Research indicates that those exonerated have lived and continue to live with the effects of loss: their overall loss of freedom, dignity and credibility as well as the loss of family, financial security, a home, friends and employers. Some study participants declared anger fueled by overall distrust and fear of the criminal justice system and of once again becoming its target (Roach, 2011). Some exonerees have lost their significant others, brothers and sisters along with significant portions of their lives to years behind bars for crimes they did not commit. And although the government sometimes offers compensation in the form of a payment, some respondents in the study mentioned that there could never be a substantial amount of anything that could bring back time lost with their families, children, parents or within their own lives (Roach, 2011).

Wrongful convictions are not only problematic for the credibility of the legal system, but also to the lives affected by the improper decision-making, occupational incompetence and breaches of conduct. Several inquests have been carried out to make recommendations to judges, juries, prosecutors and police to cut down on the number of individuals who are victims of the system (Roach, 2011). There have been numerous changes to the *Criminal Code* and the appeal process, and financial

compensation is thus far the only means of righting the wrongs in miscarriages of justice (Denov & Campbell, 2005). Typically, awards of compensation are almost always made to those exonerated and in some cases, inquests are also mandated. However, no amount of money or apologies can reconcile the extensive damages (Denov and Campbell, 2005). ■

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RÉSUMÉ

Wrongful Convictions in Canada: a Focus on Aboriginal Offenders

CHEYENNE ESMOND

Cheyenne Esmond examine la question des condamnations injustifiées au Canada dans le cadre d'un système de justice pénale perturbé, soulignant qu'on ne peut pas se pencher sur cette question sans examiner aussi comment la race et l'ethnicité, la police, les jurys, l'appareil judiciaire et les procureurs de la Couronne contribuent à des condamnations injustifiées. Esmond démontre que l'histoire se répète en qui a trait aux causes datant de plus d'un siècle à il y a une trentaine d'années et que, en règle générale, « des erreurs de témoins oculaires, l'inconduite professionnelle, de fausses confessions, des sciences judiciaires erronées, le recours a des informateurs incarcérés et des préjugés raciaux » occupent une place importante (Denov et Campbell 2005). L'auteure fait ressortir en outre que les condamnations injustifiées minent la confiance du public envers le système de justice.

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COMING UP IN
À VENIR DANS
32.4

Life After Jail

BY KRISTEN PRENTICE,
Undergraduate, University of Regina

Kristen Prentice explores the issue of Indigenous street gangs in Canada within a framework of the racism and economic exclusion faced by many Indigenous youth. These factors combine with the stigma of having a criminal record and low levels of educational attainment to make it difficult for indigenous street gang members to find employment upon release. This is complicated by the fact that a prison term moves one up in the gang, making recidivism quite likely. Noting that prison terms, court-imposed conditions, and anti-gang strategies do little to address the systemic issues that cause Indigenous youth to join gangs in the first place, this article calls for concerted investment in community-based programs.

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The Canadian Criminal Justice Association will present its 36th Biennial Congress in partnership with Ontario's Ministry of Children and Youth Services.

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Le Congrès 2017, *Les jeunes et la justice au Canada*, braquera les projecteurs sur les pratiques, les innovations, la recherche et les tendances canadiennes, provinciales, territoriales et internationales qui produisent des résultats positifs chez les jeunes à l'appui d'une perspective nationale. Ce congrès se penchera sur l'évolution du système de justice pour les jeunes dans le contexte d'un réseau de justice sociale intégré et efficace.

Le Congrès 2017 mettra en vedette des approches et des initiatives préventives et novatrices ainsi que des études portant sur les facteurs sous-jacents ayant une incidence sur l'implication des jeunes dans le système de justice pénale.

PUBLIC CIBLE

Le personnel œuvrant dans le milieu de la justice pour les jeunes au Canada et sur la scène internationale, les organismes communautaires, les services policiers et de probation, les services de protection de l'enfance, les universitaires s'intéressant à la justice pénale et sociale, les chercheurs et tous les autres fournisseurs de services gouvernementaux, provinciaux et fédéraux.

THÈMES DES COMMUNICATIONS

La recherche et la programmation fondée sur des données probantes (p. ex., sans s'y limiter) :

- La résilience des jeunes et de la collectivité

Les approches novatrices et de collaboration (p. ex., sans s'y limiter) :

- Les jeunes présentant des besoins spéciaux (problèmes de santé mentale, de consommation d'alcool et autres substances, ensemble des troubles causés par l'alcoolisation fœtale (ETCAF), diversité, communauté LGBT)
- Les jeunes autochtones
- Des initiatives de renforcement des collectivités
- Des initiatives émanant de sources policières

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